HIGHWAY SAFETY ISSUES

(100-55)

HEARINGS

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

MARCH 15, 23; MAY 3, 1988

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HIGHWAY SAFETY ISSUES

TUESDAY, MARCH 15, 1988

House of Representatives,
Subcommittee on Surface Transportation,
Committee on Public Works and Transportation,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2167, Rayburn House Office Building, Hon. Glenn M. Anderson (chairman of the subcommittee) presiding.

Mr. Anderson. The subcommittee will come to order.

The subcommittee is meeting today to receive testimony on highway safety issues. I have said before, and it bears repeating, that there is little we can do on this subcommittee, or any subcommittee of the Congress, that is more important than those activities which promote health and safety of the American public. With respect to transportation on the Nation's highways, there is certainly much that can still be done.

Each year 46,000 people die on the Nation's roads and highways. That tragic figure calculates to 126 people each and every day. If, every day, an airplane crashed killing 126 people, this Nation would be in an uproar. The entire country would mobilize to address the crisis.

So 126 people a day die on the Nation's roads and that is a crisis. It is unfortunate that this Administration wants to address the crisis by reducing funding for highways and public transit. Rather than attempting to reduce congestion on our highways, so making them safer, the Administration wants to add to congestion. Instead of increasing funding available to build safer roads, the Administration wants to cut such funding.

The Administration is wrong. Yesterday, along with Chairman Howard and Congressmen Hammerschmidt and Shuster, I introduced H.Res. 400, expressing the sense of the House that our Nation's highway and transit programs should be funded at levels provided for in P.L. 100-17, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

With respect to specific issues, let me say that I am presently working on legislation which will modify the way we view compliance with our national speed limit laws.

I expect that, when completed, this legislation will revive the general concepts which were included in H.R. 2, ~~as~~ passed by the House last year, and extend these concepts also to the 65 miles per hour (mph) routes.

It is ~~certainly~~ not in the best interests of highway safety that, presently on 65 mph routes, 100 percent of the traffic can go at any speed and the State would not be sanctioned. Under this scheme, the States simply have no economic incentive to enforce the speed limit laws on higher speed routes.

Also in the interest of safety, our compliance laws ought to distinguish between the safety implications of various types of speeding violations. It is more dangerous to drive at 85 mph than 65 mph, and that ought to be recognized. Speeding on non-freeway routes poses a greater threat than on freeways. Our compliance laws should recognize these simple facts, and my legislation would address those concerns.

Of course, our witnesses today and on March 23 will cover a range of safety-related issues, and we welcome the thoughts and input of those who will share their ideas with us.

I would like to insert into the record at this point the statement of our colleague Representative Norman Y. Mineta

[Mr. Mineta's statement follows:]

BRIEF REMARKS BY CONGRESSMAN NORMAN Y. MINETA

Thank you, Mr. Chairman. I want to praise you for your foresight in holding these hearings. I am glad to see that my friend and distinguished colleague, Mr. Dorgan, is here to testify today.

His bill, to prohibit drinking and driving and to set a national standard for the blood alcohol intoxication level, is simply common sense.

I find it amazing that in our concern to halt the ravages of drunken driving, 15 states still permit driver to drink while behind the wheel. We are trying to educate people about the danger of drinking before driving.

How can we turn around 180 degrees and allow drinking while driving?

This bill should have been law long ago.

I thank my colleague for his leadership on this issue, and I am proud to be a cosponsor of this bill.

Thank you.

Mr. ANDERSON. Are there any other opening remarks? Mr. Rowland?

Mr. ROWLAND. Thank you, Mr. Chairman.

If I may just commend you for this hearing. As a person who spends a considerable amount of time in an automobile, not only on our interstate but on primary and secondary roads also, I'm personally concerned about the safety factor. I am personally concerned about driving under the influence of alcohol, driving under the influence of other drugs, and driving at excessive rates of speed. So I look forward to these hearings and I appreciate our colleague, Byron Dorgan, being here this morning. Thank you, Byron. Thank you, Mr. Chairman.

Mr. ANDERSON. Our first witness today is the Hon. Byron Dorgan. Byron, we do have your prepared statement. It will be made a matter of the record in its entirety. Mr. Dorgan.

TESTIMONY OF HON. BYRON L. DORGAN, A REPRESENTATIVE IN CONGRESS FROM NORTH DAKOTA

Mr. DORGAN. Mr. Chairman, thank you very much for calling these hearings.

I am here to testify on H.R. 637 which has been cosponsored by almost half a dozen of your subcommittee members and others on the full committee. H.R. 637 deals with the subject of drunk driving and drinking while driving.

Drunk driving and alcohol related accidents on public highways are still very significant problems. Almost 40 percent of the accidents in this country involving motor vehicles are caused by an alcohol-impaired driver.

Our country does not have nearly the kind of program that many countries in Europe have which suggest to drivers that you ought not dare drink, get drunk, and get behind the wheel of an automobile, because if you do the penalty is going to be very severe. We don't have that kind of a program in this country, unfortunately. I think we should, but I guess it's probably not going to happen.

As I was looking at this issue some while ago, I was amazed and startled to discover that—even today in the late 1980's with all of the attention we've had to the issue of drunk driving—there are 15 States in the country in which you can get behind the wheel, open up a can of beer, put one elbow out the window of the car and put the other hand on the steering wheel, put the can of beer between your legs as you drive to work, and it's perfectly legal. In 15 States you can drive down the highway and drink and there's no problem with that at all. The law says that's fine. I find that ludicrous.

In this day and age, with the kinds of concerns we have about alcohol and driving, there ought not be any excuse for anyone having an open container of alcohol in their automobile, let alone drivers drinking while they're driving down the highway.

What can we do about that? Well, some say we shouldn't interfere and we shouldn't meddle, this is a State issue. I sympathize with that. There are many things that if left to the States, they will develop their own approach. That's apparently what has happened.

That map over there shows you the States outlined in yellow that both prohibit the driver from drinking while the driver's driving an automobile and also those same States in yellow prohibit any open containers in an automobile. That's the way it should be, in my judgment. That's the way the whole map should look.

The States in white do not have a prohibition on open containers in the automobile. The States in white with the red dot are the States in which you can jump behind the wheel of your car and drink as you drive without any problem at all. In fact, if you take a look at that, you can take a pretty lengthy trip in this country, drink most of the way, and not be in any trouble with State laws.

I suppose it's not surprising then that we're going to have some alcohol-related accidents on the highways if we allow people to get behind the wheel of their car and drink while driving. What kind of a message is that that we are trying to send to the American people about alcohol and automobiles?

What I suggest in this legislation, Mr. Chairman, is that we prescribe a national standard for a national problem by asking the States to:

First, prohibit drinking while driving—which ought to be common sense in the first place but isn't in a number of the States by prohibiting open containers in automobiles. We ought to describe that as a national standard.

Second, we ought to have a common determination of what is intoxication. In my bill, we'd have 0.10 (BAC) as a common determination.

I have brought with me a number of facts. You are familiar with all of the facts, I'm sure. Every 23 minutes, somebody dies in this country from a drunk driver. This country spends $24 billion a year on rehabilitation and damage and the carnage that's caused from drunk driving. Some 250,000 people—a quarter of a million people—have died in the last 10 years because of drunk driving. There's a great deal of carnage on our highways as a result of drunk driving.

I would hope, Mr. Chairman, that my legislation would be considered seriously in the context of a national highway safety program. We need to state that in the late 1980's it no longer ought to be acceptable in any State in the Union to drink while you drive your automobile or to have the other four passengers drink while the driver is driving the automobile. It makes no sense to me. That's why I've introduced H.R. 637.

This legislation is supported by a number of organizations and groups including one that will testify today, Mothers Against Drunk Driving. This organization has done extraordinary work in raising the public consciousness in this country about the tragic costs of drunk driving in America.

Mr. Chairman, that's the brief description of the legislation, why I introduced it, and why I hope this committee would consider this seriously. I would be happy to answer any questions. Might I ask that the full statement, which I have not chosen to read here, be made a permanent part of the committee record.

Mr. ANDERSON. The full statement will be made a matter of the record in its entirety.

Congressman Dorgan, when comparing those States that allow open containers to those which prohibit them, is there evidence of greater highway safety? Are the number of accidents and the number of drunk driving arrests lower in States that prohibit open containers?

Mr. DORGAN. Mr. Chairman, I don't have that information with me today. The question of arrests, of course, is a function of either the lack of or presence of aggressiveness in local law enforcement. So I don't know that the number of arrests necessarily relates to the incidents of drunk driving.

But I do submit to you that it makes common sense that when we are developing a campaign to try and keep alcohol and automobiles separate, drinking and driving separate, that we ought to be sure that people shouldn't get behind the wheel of their car and drink while they drive. That, to me, just makes common sense.

Mr. ANDERSON. In your statement printed in the congressional record of January 21, 1987 you mention that all but 10 States have defined legal intoxication as occurring when someone has a blood-alcohol concentration of 0.10. You also said that two States set more stringent levels. Do you see any advantage to setting a national definition of legal intoxication? If so, what do you think that level should be?

Mr. DORGAN. Well obviously, by the legislation I've introduced, I believe it ought to be 0.10. Most States center around that. There are a couple of exceptions below that. States could certainly describe standards below that if they chose. My feeling is that 0.10 is a reasonable standard that represents a reasonable determination of intoxication, but I suppose that is something Dr. Rowland is better prepared to answer than someone like myself. This area is a little bit difficult. It's not one that is easy to determine. But as I was considering legislation about the issue of open containers and drivers drinking while they drive, it seemed to me when I looked at the determination of what intoxication is there ought to be a uniform standard there as well.

Mr. **Anderson**. Congressman, how do you address the concerns that have been expressed that States do permit some alcohol in the blood of drivers presumably because they feel a minimal amount does not impair the ability of a driver to safely operate a motor vehicle?

Mr. **Dorgan**. Well, there have been many, many studies determining precisely what kind of effect alcohol has on reaction. I don't think anyone would believe or testify before this committee that says alcohol has no impact on the reaction of any one of us. Clearly, it has an impact. The question is, at what point does that impact severely impair one's ability to drive an automobile? I think the result of all those studies has persuaded certain State officials to develop blood-alcohol content levels that they are comfortable with. I don't think any of us in this room would argue with the studies that have been done, that show drinking impairs ability. The question is, at what point does it impair the ability to promote real safety problems on the highways?

Mr. **Anderson**. Theoretically, a driver could consume alcohol while driving without exceeding an allowable blood-alcohol content. If it is possible that such consumption is possible without impeding safety, why should that consumption be illegal?

Mr. **Dorgan**. I think it's repulsive to allow someone to get behind the wheel and drink while they drive. It's just repulsive. There's no question that drinking impairs ability.

Now the question is, have they consumed enough by the time they reach Colfax Avenue or 23rd Street, after their drive across town, that it has impaired their ability sufficiently so they're unsafe? I don't know the answer to that. But clearly, the signal we ought to send to every young kid in this country and everybody else that drinks in this country is that alcohol and driving don't mix. If you want to drink, don't drive. That's the signal we ought to send.

Laws that permit drivers to drink while they drive send exactly the opposite signal. I think it's ludicrous. I think we ought to tell the States as firmly as we can, and my bill is fairly firm, we want you to change that signal. We give them a time, until 1992, to do it but I think we ought to request the States and expect the States to change that.

Mr. **Anderson**. A couple of years ago out in my area, in Los Angeles—I don't remember if it was set up by the California Highway Patrol or the Los Angeles City Police—but there was a police involved operation. They had invited some movie and theatre stars and well-known commentators and newsmen and some politicians.

They had us all drive a car through an area where there was a lot of curving just like we were. Then they made each of us take a shot. Then we had to drive the same route. It really opened the eyes of almost everybody there, because just the one shot and you tried to go through something you did before—everything seemed to move around. It was very enlightening to the people who did it. I know when it was all over they also made sure that we didn't drive, even though we just had one shot.

So it was interesting what a small amount of alcohol can do to a person's driving ability, to be driving well and know you were making the right stops and turning everywhere, then take a shot, get back in the car, and drive and you have a tough time doing it. It's something that if you haven't done it, it's worth trying. I know that it convinced a lot of people, and that was two or three years ago.

Now there are limousines on the highway that come equipped with stocked bars. These limousines are generally chauffeured. Should these limousines then be illegal?

Mr. DORGAN. I would leave to the wisdom of your committee the question of tailgate parties at football games and limousines and a whole host of things that you might want to draw some lines around if you're inclined to support this legislation, which I hope you will do. I understand there are going to be some unusual circumstances or some variances. Limousines might be an example.

I don't have much sympathy for people who want to drink on the highways. I don't think anything anybody can say is going to persuade me to have much sympathy for them. I think we ought to keep driving and the use of automobiles separate from drinking and that includes everybody that's on the highway. But I would leave that to your good judgment where you make exceptions.

Mr. ANDERSON. Mr. Packard.

Mr. PACKARD. I'm very interested in this subject, of course, Mr. Chairman, but I have no questions of Mr. Dorgan. I appreciate his bill and his testimony today.

Mr. ANDERSON. Mr. Rowland.

Mr. ROWLAND. Thank you, Mr. Chairman.

I certainly agree with you that alcohol and driving don't mix. Any central nervous system depressant, alcohol or whatever, slows down reflex time and, as the chairman pointed out, makes you less able to control the vehicle that you are driving.

But as a practical matter let me ask you, how would you go about enforcing this legislation? I know there's a high recidivist rate among those people who are arrested for drunk driving. It's usually the same people that repeat.

As a matter of fact, the state patrol in my State has a state patrol post in my home town. I've talked with the members of the patrol there. They tell me that they get to know the people who are repeaters that do this over and over again, and finally you send them off to jail for a period of time.

But insofar as having open containers in the vehicle, how would you go about enforcing that? Would you fine them? If they continued to repeat would you finally send them to prison? How would you deal with enforcement?

Mr. **Dorgan**. Well, I would leave the question of the penalties to the States. My legislation would simply require the States to develop prohibitions against open containers.

North Dakota is a State that has that prohibition and has had it for a long while. When I grew up I understood that in our State you were not permitted, even when you reached legal age, to drink while you drive. I also understood that--regardless of how old the container might be—if you had an open container of liquor, it better not be in the car if you're driving. That was against the law.

As far as I'm concerned, the States can describe their own penalties there. But I want us to send messages around this country that drunk driving and drinking while driving, is not an annoyance, it kills people. I heard somebody today exclaim, well, more restrictions. Pretty soon they are going to get you for dropping napkins and things. Look, we're talking about people who do things that kill other people.

So I think we ought to change our approach to this problem and serve notice to drivers: you want to get behind the wheel and drive drunk, by God, you're going to suffer a serious penalty.

Mr. **Rowland**. What are the penalties in North Dakota? How many times are the more severe penalties, whatever they may be, applied? Can you give me some idea? I'm interested in knowing how they deal with that.

Mr. **Dorgan**. The penalties have been significantly strengthened over the recent years in our State. Our State is a State that, as I said, has both anti-consumption open container prohibitions, and has a 0.10 determination for intoxication. But the State legislature has significantly strengthened penalties.

I think there has been some evidence around the country that when penalties are strengthened you have some impact. Frankly, I think that the national movement, spawned largely by the Mothers Against Drunk Driving, created an enormous new awareness and consciousness about the dangers of drunk driving and the dangers of getting caught doing it. So we've made some progress, but not nearly enough.

That map describes the reason that we're seriously deficient in areas where we ought to send the message that drinking and driving don't mix.

Mr. **Rowland**. I certainly don't have any problem with prohibiting open containers in the vehicle. I'm just concerned about the sanctions that you place on the States for not enacting the law. I'm concerned about how the States who enact the law—going back to what I was talking about a few minutes ago about recidivism, the high rate of that. Do you actually wind up sending people to prison? I know in our State the prisons are already overcrowded. We're trying to build more prisons to deal with it. So as a practical matter, I just wonder how that would be dealt with.

Thank you very much. I appreciate it, Mr. Chairman.

Mr. **Anderson**. Mr. Upton?

Mr. **Upton**. Thank you, Mr. Chairman.

Mr. Dorgan, I think you've done a tremendous job of explaining your bill. I would like to say that, as for Michigan, we do have an open alcoholic container law. We also have 0.10 as our legal limit for drinking. I support your efforts, and I would like to cosponsor H.R. 637. Thank you.

Mr. **Dorgan**. Well I'm glad I came, Mr. Chairman.

Mr. **Anderson**. Mr. Clement.

Mr. **Clement**. Mr. Dorgan, I'm quite distressed to see that Tennessee is one of the States which allows both drivers and passengers to drink while driving. However, when I contacted State officials I was informed that many city and county governments prohibit open containers in vehicles. Also during my discussion, one police official stated that some law enforcement agencies vigorously enforce the open container laws including citing drivers who have carelessly tossed an empty in the back of their truck and left it there. I only raise this to ask whether the rate of alcohol-related accidents is any higher in Tennessee than, say, North Dakota which has a State statute prohibiting open containers and drinking while driving.

Mr. **Dorgan**. Mr. Clement, let me say that the statistics or data from which this chart is culled come from the Department of Transportation. So I obviously have not perused the State of Tennessee to find out what their local ordinances might be. I do feel, however, we ought to have a national standard on these issues. But I don't have information comparing North Dakota to Tennessee. We are trying to get that information. My feeling would be, quite clearly, States that are less stringent in their approach to enforcing drinking and driving prohibitions are likely to have a higher incidence of accidents involving drunken drivers. I would think that would be the case. I would guess we could get some empirical information. If there's not some in an existing study, we can get some developed in a new study.

Mr. **Clement**. Do you think this is an infringement on State rights at all? Would it be better to just expose and inform the various State legislatures and the people in those various States rather than mandating a Federal law concerning this matter? Because it is a serious matter, we all can give examples of drug-related or alcohol-related accidents that have taken lives, ruined lives and changed people's lives.

Mr. **Dorgan**. Yes. I tell you what, I don't generally feel there ought to be national standards for every ache and pain. One of the first years I was here there was a used car rule that the FCC, I believe, had come out with. There was a veto here. I had friends pillory me because I refused to believe there ought to be a national standard for used cars. So that started the first year I was here.

I have generally felt, let's not describe national standards for everything that everybody sees wrong in this country. This, I think, is different. Drunk driving is a national disgrace at its present level. There's carnage on the roads. About 40 percent of the accidents include drinking. Every 23 minutes somebody is killed because of a drunk on the road. I think it's time for us to do something and develop a national approach to do it.

What I see here is not a massive infringement on State rights. I think it's just common sense that people ought not get in their car and be able to drink while they drive. That's just dumb. We ought to tell the States that is dumb, and they ought to change their laws. If it requires a little carrot—or I guess, more appropriately described in my bill, a short stick--to encourage them to do that, then that's what I'd like to do. I understand your question about infringement. I don't do that lightly, and in most cases I don't support that.

Mr. **Clement**. I wish you'd get in one more time and explain how you are going to enforce this. Here some beer can might have been in the automobile, van, whatever, for six months and for some reason this particular vehicle was stopped. How are you going to enforce it? I wish you'd go through that one more time. I know you commented on it a while ago.

Mr. **Dorgan**. Are you talking about an empty beer can in a pickup truck?

Mr. **Clement**. Yes.

Mr. **Dorgan**. Well, there's a certain test of reasonableness and a certain level of appropriateness on enforcement of all laws. I don't think the rule would be that in any State in the country where you have the prohibition of open containers that any thinking law enforcement officer would arrest someone who has an empty beer can laying under his pickup seat that he consumed six weeks earlier outside the shoots at a rodeo. There's a certain common sense test. I do, however, think that if in that pickup truck there's a fifth of Old Crow that's half consumed that that ought not to be allowed by law to be in that pickup truck for the driver to drink or the passengers to drink. It makes no sense to me.

Mr. **Clement**. But would you cite them just for having that half pint in there, or would they have to take that further step to see if they've really got alcohol on their breath and give them a test?

Mr. **Dorgan**. Well, no. If they are driving around with—you think in smaller quantities, I was thinking of a fifth—with a half pint that has been half consumed laying on the front seat of the pickup truck, absolutely they should be cited. In most of those States where you have prohibition of open containers, that's exactly what prohibition on open containers means. We don't want open containers of liquor sitting on the front seat while the driver and the passengers are wheeling down the highway. There is generally only one reason why that open container would be there conveniently open and partially consumed. So that's precisely the reason for open containers. It's time for us to separate alcohol and drinking from driving and highways. The bigger that separation the better for this country.

Mr. **Clement**. But you still don't have any information about States that have such laws and States that do not have such laws and whether it's worse in one State or the other at this time?

Mr. **Dorgan**. The problem with getting that, frankly, would be local custom in enforcement of certain things. The fact is, in some parts of the country you have certain customs. Well so and so did this, but you don't do something very much about that. In other parts of the country you have the yank them by the collar type enforcement. There's so many different levels of enforcement that I'm not sure you are going to get much accurate information about it.

But common sense would tell us that if, in parts of this country, we allow somebody to get a fifth of Old Crow and get behind the wheel and start driving and drinking on their way to the next party that that sure as hell is going to create a whole lot more problems on the highway than a State that doesn't allow that to happen, at least to the extent that you can catch that sort of behavior.

Mr. **Clement**. Thank you, Mr. Chairman.

Mr. **Anderson**. Mr. Hastert.

Mr. **Hastert**. Just a brief question, Mr. Chairman.

In reply to that previous question, I just want to make it right in my mind that what you are asking for is the offense of driving with an open liquor in the automobile. If an arresting officer wants to test for DWI or DUI that's his prerogative, right?

Mr. **Dorgan**. Absolutely.

Mr. **Hastert**. So this would be a separate offense. Are you saying that each State needs to put that on that statute, and that this would be enforced by local officers and highway patrol?

Mr. **Dorgan**. Yes.

Mr. **Hastert**. It wouldn't be a national enforcement type?

Mr. **Dorgan**. No.

Mr. **Hastert**. Second, this issue then, if States did not comply, would be like not complying with the speed limit, that we'd withhold funds?

Mr. **Dorgan**. That's correct.

Mr. **Hastert**. Thank you.

Mr. **Dorgan**. It's like having the stick without the carrot.

Mr. **Anderson**. Ms. Slaughter?

Ms. **Slaughter**. Thank you, Mr. Chairman.

Good morning, Byron. I'm already a sponsor of your bill.

New York State has probably passed some of the most stringent legislation on drunk driving in any of the 50 States. It did come as a shock to me to see that we didn't have an open container law, because in State legislature we dealt with everything that we could to try to stop the carnage on the highway.

In my own congressional district in the last two years we've had two horrendous accidents. One where five young people—taking student drivers—were killed by a drunken driver who ran into them. Another, where five young people killed themselves in a car with open beer containers, they were under age 21 and not old enough to drink legally in New York.

Despite the fact that we have mandatory sentencing for vehicular homicide and driving under the influence, we still have not been able to stop this senseless tragedy. I don't think that we can do too much to try to stop it. If this legislation is another step that New York needs to take, I support it.

I think we have to separate drinking from the highway. We've increased liability. Bartenders are liable if a person leaves drunk and has an accident. Hosts and hostesses are liable if someone leaves their home and he kills or injures someone in an accident. But despite that, we have really not been able to get that message through. It certainly seems to me that the least we can do is to say, you are not allowed to have it in the car with you. Now New York says you are not supposed to drink and drive but you can have it in the car—an open container apparently, or a half used container. I support legislation to correct this with all my heart, because I've seen too much of the tragedy.

Mr. **Dorgan**. Well, thank you very much. I appreciate your cosponsorship.

Mr. **Anderson**. We're honored this morning, also, to have our full committee chairman, Congressman Howard, in attendance.

The **Chairman**. Thank you very much, Mr. Chairman.

I want to congratulate you and the members of the subcommittee for holding these important hearings. We on the full committee will certainly benefit from the information that you get.

To my colleague, Mr. Dorgan, I feel like it has been a long, long time, because I know you've been talking to me whenever we meet on this very, very serious and important problem. We certainly agree with what you say. Your proposal would make a great contribution to safety. It may have taken us a little bit longer, but I said we would hear you. I didn't know it would take this long, but I thank you for your patience and thank you for the great leadership you are showing on this subject. Thank you for your appearance here today.

Mr. **Dorgan**. Thank you, Mr. Chairman.

Mr. **Anderson**. Well thank you, Congressman Dorgan, for your presentation. It was very, very good.

Mr. **Dorgan**. Thank you, Mr. Chairman.

[Hon. Dorgan's prepared statement follows:]

TESTIMONY OF HON. BYRON L. DORGAN

Mr. Chairman, I would like to thank you for scheduling these hearings on legislation relating to highway safety. The safety of all Americans as they travel our nations expansive system of public roads is a great concern of mine. I would like to call the Committee's attention to H.R. 637, legislation I introduced to reduce drunk driving—one of the greatest threats to the public's safety on the roads today.

According to the Department of Transportation, alcohol related deaths have increased by 7 percent, to 23,990—including a 9 percent increase in the number of 15–19-year-olds killed—in 1986. The framework for the rise in fatalities makes it even more dramatic. The early 1980's brought a tremendous public outcry against drunk driving and subsequent enactment of state and local laws to reduce the number of drunk drivers on the roads. In addition, the increase follows four years in which the number of alcohol related deaths declined by 11 percent and came before the states were permitted to raise the speed limit.

Ironically, the increased fatalities have been met with a decrease in public attention. As the New York Times recently reported, the number of articles published in popular magazines and four major daily newspapers dropped from a peak of 219 in 1983 to 53 in 1986.

While the general public was apparently more interested in this national tragedy, many states enacted laws to address the problem of drunk driving. For the most part, these laws are helping to remedy the situation; however, the broad variety and inconsistency from state to state minimizes their effectiveness.

It may surprise you that in most states in this country you can have open containers of alcohol at your side while you drive. In fifteen states you can actually drink while driving without violating the law. In twenty-three states passengers can drink in the car. To expect the police to effectively enforce these laws is asking them to watch drivers and passengers at all times.

These facts: the increase in fatalities, the apparent decrease in public interest and the variety of state laws together create a compelling argument for a national policy to combat drunk driving. As Members of Congress, I feel we have a responsibility to send a strong message to the states that we cannot tolerate this type of behavior.

The legislation I introduced, H.R. 637, calls upon states to set the blood alcohol level at 0.10 for legal intoxication and to prohibit the open containers of alcoholic beverages from the passenger compartment of a motor vehicle. The bill has been endorsed by Mothers Against Drunk Driving and has been cosponsored by 65 Members of Congress, including a number of Members from the Public Works Committee.

Admittedly the threat of losing highway funds is severe. But drunk driving is a serious nationwide problem that the Congress must take decisive action to deal with.

Mr. ANDERSON. Our next witness is the Hon. Diane Steed, Administrator of the National Highway Traffic Safety Administration. Diane, we do have your prepared statement. It will be made a matter of the record in its entirety.

Ms. STEED. Thank you, Mr. Chairman.

TESTIMONY OF HON. DIANE K. STEED, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, ACCOMPANIED BY GEORGE REAGLE, ASSOCIATE ADMINISTRATOR, TRAFFIC SAFETY PROGRAMS; AND JEFFREY MILLER, DEPUTY ADMINISTRATOR, NHTSA

Ms. STEED. Before I just hit some of the highlights of the testimony, let me introduce my colleagues for the record. To my left is Mr. George Reagle. He is the Associate Administrator for Traffic Safety Programs. To my right is Mr. Jeffrey Miller. He is the Deputy Administrator of NHTSA.

Since you do have the testimony, Mr. Chairman, let me just hit a few of the highlights from it for the benefit of committee members.

We are very pleased today to be able to announce that in 1987 we had some very good news about highway safety, and that is the fact that the fatality rate—which is well known and well accepted as a good measure of highway safety—did fall to an all-time low in 1987 of 2.4 fatalities per hundred million vehicle miles traveled. To put that in a little better perspective, if you look at what the fatality rate might have been if the rate had remained the same as it was in 1980, we'd be seeing something like 63,000 fatalities instead of the 46,000 that we estimate to have occurred in 1987.

There are a number of reasons for that good news, Mr. Chairman. One is in the area of drunk driving. Alcohol is still involved in a very high percentage of highway deaths, but we are continuing to see a number of reductions in many of the States in alcohol-related fatalities. In 1986, the last year we have complete data for, the proportion of drivers involved in fatal crashes who were legally intoxicated had dropped by 14 percent since 1982. Perhaps even more encouraging than that is the news about teenage drivers. Over that same period we saw the most significant improvement of all in this age level where the proportion of fatal crashes declined by 26 percent.

I must make a correction to my prepared statement, Mr. Chairman. The prepared statement states that 49 States and the District of Columbia have raised the legal drinking age to 21. I am pleased to say that now all 50 States have raised the legal drinking age to 21. We're very pleased with that. In our evaluation of the effectiveness of those laws, we see that they saved about 1,000 young people's lives in 1987 and some 4,400 young lives since the drinking age began to be raised.

I hope that, despite the good news here, no one believes that the battle is won. We certainly do not. We think that there are a number of other steps that need to be taken to combat the drinking and driving problem in this country. We have a lot more to do in this area. We intend, in the coming year, to work very hard on increasing the public perception that drinking and driving will be detected and punished. We think this is very important to keep that issue in the public eye.

We have the section 408 alcohol incentive grant program. We're working very hard with the States to see that they can qualify for some extra funding to help them in their fight against drunk driving. We do see in that area, though, a number of States that are having trouble qualifying for those grants. We think that perhaps some of the reason that they are not qualifying may be that our regulations and the evidence that we're asking the States to show to qualify for those grants may be too strict. So we are looking at a rulemaking to alleviate some of the evidence, some of the paper work burden that States must go through, to show compliance with 408. We hope that we'll see additional States qualify for the alcohol incentive money.

I should mention one other very important program in the drunk driving area, and that is the TEAM program, Techniques for Effective Alcohol Management. We're working with sports facilities to reach a very large sector of the public, Mr. Chairman, to encourage them to not drink and drive. As you know, alcohol is served at many of these sports facilities. We think it's a very good targeted program. It's a great example of public and private cooperation. We have the National Basketball Association and the Major League Baseball involved in this program. We think it's one of the most exciting things we have going at this point.

Let me speak briefly about the safety belt programs. Again, we are seeing great benefits from the increased use of safety belts and child safety seats. We now have 32 States and the District of Columbia with laws that require safety belt use in cars. We've seen a great increase in the percentage of people that are wearing safety belts. We have a 19-city survey that tracks trends of safety belt use, and we've seen about a quadrupling of safety belt use from about 11 percent to about 42 percent since about 1982. We estimate that these laws have saved some 8,000 lives in this country during the period 1983 to 1987. We expect that as safety belt use increases we will see even more lives saved.

Fortunately, we have child passenger protection laws in all 50 States. Those are working extremely well. The latest survey we have on child passenger seat or child safety seat usage is about 82 percent. We're seeing an increase in the correct usage of child safety seats which is also good news.

I might call attention to one new program that we're participating in, and that is the Safe Kids Are No Accident program. It's a national coalition of a number of safety organizations that are working to reduce the needless death and injury of children. It is led by Children's Hospital and the Johnson and Johnson Company. We are very pleased with that one.

We've asked the States to set individual goals for increases in safety belt use in the coming year and over three years. We did that about a year ago. Some of those goals we are quite pleased with, but with others, we think that we can and should work with the States to increase usage. As we proceed in this area, we very much support the whole 70 by 90 notion, which is to achieve 70 percent safety belt usage by 1990. We're working hard with the States to achieve those goals.

In 1988, we're concentrating on a number of very targeted programs: special emphasis on youth, on rural areas, on low socio-economic groups, and on the use of automatic crash protection that now appears in 25 percent of the new automobiles sold this year.

Let me talk briefly on the question of speed limits and speed enforcement. As you know, last April Congress amended the speed limit to permit speeds up to 65 mph on rural interstates. Approximately 40 States have now posted most of the eligible portions of their rural interstates at 65 mph. Of those, 15 States are also participating in the newly authorized demonstration program which permits speed limits up to 65 mph on certain high quality non-interstate roadways.

I want to stress this morning that we believe that it is simply too early to be able to tell with any precision the effects of raising the speed limit as it affects safety. We are working very hard to collect the necessary data to enable us to do that analysis. As we look at the data from States, it bounces all over from month to month and from State to State. We are trying very hard to sort out exactly what the effect of raising the speed limit is. We will have completed and have what we think will be reasonable numbers by September of this year. In the meantime, as you know, we are presently completing the first interim report required by the Continuing Resolution, and we'll have that up to the Congress very shortly.

As we work on these reports, and as we work to determine the effects of raising these speed limits, I want to emphasize that we are working very hard with the States to emphasize and to improve the enforcement of speed limits on all roads no matter what the posted speed limit is.

We are doing a number of things like speed limit workshops. We are working hard with State and local law enforcement to help them improve their speed enforcement. We're working on the technical data available on technology for detecting speeders. We're working on new materials, both in-house and under contract, that show the safety risks involved in speed limits. We're working on new public information campaigns that will help us call attention to the dangers of excessive speed. We think that these will help the States in their efforts to enforce posted speed limits on all roads, and we think that's extremely important.

In closing, I should mention that we are moving ahead in the area of highway safety priority rulemaking which you directed us last year to make in last year's highway safety amendments. We're finding this a very good way to make sure that our funding priorities are aligned with safety needs perceived by State and local officials. I think that you can expect a rulemaking notice on these national priority areas very shortly.

That hits the highlights of the statement, Mr. Chairman. My colleagues and I would be pleased to try and answer your questions.

Mr. ANDERSON. Well thank you, Diane. I do have several questions, but our distinguished chairman is here. He has indicated that he has some questions, and in this committee he comes first. Jim, the floor is yours.

The **Chairman**. Thank you very much, Mr. Chairman. I certainly appreciate that. I want to thank you for your testimony.

About the speed limit, could you tell us what the Transportation Research Board predicted would happen if the speed limit were raised on rural interstate highways?

Ms. **Steed**. Yes, Mr. Chairman. The National Academy of Sciences did a study, which we funded several years ago, and predicted that if speed limits were raised on rural interstates that there would be 450 to 500 additional lives lost each year.

The **Chairman**. I'd like to ask you what has happened? What has actually occurred? You do have figures, but you say they are not conclusive yet.

Ms. **Steed**. That is correct, Mr. Chairman.

The **Chairman**. They did show an enormous increase in deaths in December, when some of us were trying to stop the expansion of the higher speed limit to noninterstate rural roads, some of which were built to interstate standards and others which might not even be built to interstate standards but were considered high quality rural roads. I believe you have more up-to-date figures now which show, instead of a 52 percent, something like a 20 percent increase.

Ms. **Steed**. The data we have that shows about an 18 to 20 percent increase is from January through September of last year. That is the data we'll be using in the interim report.

The **Chairman**. I see. Well, if you start with January then those rural interstates were still at 55 mph for many of those months.

Ms. **Steed**. Yes, that's correct.

The **Chairman**. Right. So if the research board in its studies and predictions were correct, the percentage of fatality increases would probably be a little bit higher because the speed limit was at 55 mph for about half the time you are talking about, is that not true?

Ms. **Steed**. I would hate to predict that, Mr. Chairman. As we look at fatalities, they are up and down month to month for a number of reasons.

The **Chairman**. Well, we did have some information that in the States where the speed limit had been increased to 65 mph comparing the same months, the same roads, the same amount of traffic from the year before when they were at 55 mph that there was a rather large fatality increase overall in those States on those roads. At the same time in those same States the overall rate of fatalities was down. Is that not correct? I believe in the first report you had out those States, those months, the non-rural interstates had a 10 percent fatality decline in those States overall, but an increase in the ones that went up to 65 mph.

Ms. **Steed**. As I recall, there was an increase in the ones that raised it.

The **Chairman**. And you said, "it's not conclusive."

Well, I can imagine anyone sitting in their campaign headquarters on election night with maybe half the vote in, and if they were 20 percent down at that point it may not be conclusive but it certainly would be indicative. I don't think they'd be writing up their acceptance speeches. So I do think that we have some numbers that certainly do show some things.

Also, there seems to be a feeling around about the good news. The overall deaths are down, right? We seem to be getting information from the Administration, saying the numbers may not be exact but they'll be indicative, if not conclusive. We might be saying with the great work that we've done in drunken driving and the great advances that the States have made there and the tremendous increase in the use of seat belts, we're going to save maybe 800 lives this year. Of course, if we raise the speed limit up to 65 mph we're going to kill an additional 500 people. But so what, we're still 300 to the good.

I think that this is where we may be fooling ourselves. I don't think that we can balance things off and say that everything is fine. We can't say that because with the drunk driving enforcement and the 21 drinking age and seat belt increase, that since that is so good that we can afford to throw away some of the other lives.

Considering that the 18 percent to 20 percent increase you found was based on measurements taken when the roads half the time were still at 55 mph, it would probably be much more if you just take the time when they were at 65 mph. Do you attribute any of those increases to the increased speed limit?

Ms. **Steed**. Mr. Chairman, some of that is undoubtedly due to an increased speed limit, but precisely how much we don't know at this point. That's what we are trying to sort out.

The **Chairman**. But you would say that the higher speed limit, certainly, is going to kill more people?

Ms. **Steed**. Generally, if you are driving faster you may be killing more people. That's why we're so interested in enforcement programs and enforcing the posted speed limit. I think I should point out, Mr. Chairman, that as you look at the national numbers, in many States that did raise the speed limits, fatalities actually went down. That's why we're trying very hard to figure out exactly what has happened as a result of increasing speed limits.

The **Chairman**. Your own figures had about four times as many of the States that went up, or more. More than four times as many of the States had an increase rather than a decrease, although some did have a decrease based on your own figures. So that still seems to be begging the issue. If you look at one State where, for whatever reason—we have these certain roads with a 55 mph speed limit and about the same amount of traffic, during the same months of the next year with a higher speed limit there are more deaths. Is there anything else you would feel is happening in this country other than the speed limit that may have affected that?

Ms. **Steed**. There may be a number of things happening, Mr. Chairman. Things like alcohol-related fatalities, things like——

The **Chairman**. Yes, well they are down, generally.

Ms. **Steed** [continuing]. More people killed per crash.

That's true in some States, although alcohol-related fatalities are going up in others. Again, I just point out that that's why we're trying to figure out exactly what is happening as a result of raising the speed limit.

The **Chairman**. So you would say at this time you really can't tell. I'm sure you can't tell for sure. Would you even tell what it looks like is happening because of the increase?

Ms. **Steed**. I would say that we are seeing a slight increase in the States that have raised speed limits and we're trying to figure out how much of that is actually attributable to actually raising the speed limit.

The CHAIRMAN. Right. Well, some people talk about increases. We heard the head of the police of the State of California on television who said that the death rate on those roads those first several months was up 12 percent, but the traffic on those roads was up 10 percent. That would seem you're just about right where you were before. Of course, that's what he said on national television. But the traffic went up 10 percent, that's his figure. I can believe it, but the official figures were that the death rate on those California rural interstates didn't go up 12 percent, it went up 47 percent from 64 to 94.

We have the 21 drinking age, which is going to produce a certain amount of compliance—based on laws that we passed and the other drunk driving laws—about the same as you're going to get with the speed limit whatever you say.

I do want to commend you on the efforts that you've made with the States on the seat belt use, because we do see the educational efforts. I think it's quite dramatic in many of the States, especially States that I might consider the kind of States that wouldn't go for that kind of thing. I believe Texas is one of the best—there is tremendous use of seat belts.

I know that the Administration had a very, very strong platform position in their 1980 platform against the 55 mph speed limit wanting it to be raised by letting the States do it. They didn't say anything in 1984 in the platform on it, I guess thanks to our colleague from Pennsylvania, Mr. Shuster. What is the position of the Administration on the speed limit? If they have one.

Ms. STEED. On speed limits?

The CHAIRMAN. Yes.

Ms. STEED. Our position on speed limits is that the posted speed limit, no matter what it is, Mr. Chairman, ought to be obeyed. We're working very hard with law enforcement officials to make that happen.

The CHAIRMAN. I wouldn't be surprised if the Democrats also felt that the law also ought to be obeyed, but as to what it ought to be is what I meant.

Ms. STEED. In terms of what the speed limit should be?

The CHAIRMAN. Yes.

Ms. STEED. Our position is that we believe that the States are capable of setting the speed limit according to their own needs and to their own circumstances, such as geographical terrain, and that it is not necessarily a Federal question, Mr. Chairman.

The CHAIRMAN. That would seem to make an awful lot of sense if everybody just drove in their State, but we do have a very mobile society here. Do you believe that one State should be able to set the danger level for people from other States who might go through those States on the highways?

Ms. STEED. I generally believe, and I think the Administration believes that it is up to the State and local officials to determine traffic rules such as speed limits. They know their local problems. They know the condition of their roadways, and they can make those judgments based on safety needs, Mr. Chairman.

The **CHAIRMAN**. Which States have the general better life saving average? The ones that have been maintaining the speed limit and enforcing it when it was 55 mph, or the States that did not enforce it nearly as well? For instance, compare Rhode Island with Wyoming.

Ms. **STEED**. I don't have the specifics here, Mr. Chairman. But I would have to say that those that are enforcing the posted speed limit are probably doing better.

The **CHAIRMAN**. They are saving more lives?

Ms. **STEED**. Yes.

The **CHAIRMAN**. I believe that we have figures of your own from a couple years ago from the State of New Jersey, which had a 1.1 overall, not only interstate, but overall 1.1 deaths per hundred million miles when the average was 2.6 or so 3.

Mr. **MILLER**. Mr. Chairman, I believe those figures may not be precisely the same as our figures, but I believe New Jersey is below the national average. Several organizations, including the National Academy of Sciences and the GAO have examined the question of whether there is a relation between fatality rates overall and State by State compliance with the formula that is currently set by Congress in the 55 mph speed limit. They both concluded, as we have, that there really is not that sort of relation.

Rhode Island, for example—which overall has a very good safety record—was in trouble with the compliance formula a few years ago. During this current year, this year most recently past, North Dakota is in compliance trouble under the 55 mph formula even though their fatality rate is one of the two or three best in the entire Nation.

The **CHAIRMAN**. How about Wyoming, for instance? Didn't they have something like 6.6 about two years ago?

Mr. **MILLER**. I believe on a fatality rate basis Wyoming is one of the higher States, but it has not been in noncompliance with the 55 mph speed limit.

The **CHAIRMAN**. Do you have States out west that have much less of a penalty for speeding than other States?

Mr. **MILLER**. I believe so.

The **CHAIRMAN**. Aren't there some States that when it was a 55 mph speed limit, fined violators for a moving violation, but you would be charged with wasting fuel?

Ms. **STEED**. Yes, sir.

The **CHAIRMAN**. And the fine might be five dollars?

Ms. **STEED**. I believe there are some five dollar fines. That's correct.

The **CHAIRMAN**. Thank you very much.

So you feel the Federal Government ought to get out of the speed limit business completely.

Ms. **STEED**. No, sir, I don't. I think we have the same——

The **CHAIRMAN**. At least the setting of it.

Ms. **STEED**. At least the setting of it? Yes, sir, I do.

The **CHAIRMAN**. Okay.

Ms. **STEED**. But I do believe that we have the same responsibility with speed limits that we have for alcohol laws and for safety belt laws in enforcement and assisting the States to improve their enforcement methods. I also think we have a leadership role to play in public information.

That's precisely what we're setting out to do with speed, Mr. Chairman, to approach the speed limit question the way we have with safety belts and alcohol in terms of assisting the enforcement community and educating the public, if you will, about the benefits of obeying posted speed limits, not exceeding speed limits, wearing safety belts and so forth.

The **CHAIRMAN**. Thank you. Now you conducted a first study, which was the study only of the comparable months this year and last year of when the speed limit was 65 mph. I believe you came out with a very preliminary figure of a 52 percent increase, from 294 deaths to 450 deaths, in those States, right?

Then you came out with another one that went all the way back to January for some reason or another. It's going to be hard to estimate what the speed limit increase is going to do if half of your study lumps in when the speed limit was 55 mph and you come up with something like an 18 percent to 20 percent increase, right? When do you think you'll be able to come out and say, we have enough evidence that this is what's happening to fatalities where the speed limit has been increased?

Mr. **MILLER**. Mr. Chairman, our interim report that had been requested by the Appropriations Committee—that the administrator was speaking of—will have sections on both calender year 1987 up through September, which is the latest data we are able to assess by this point, and it will also break out separately the summer months during which the speed limit had been raised. So we will be able to, to the extent we have it, portray both entire year figures and part year figures. The reason we have gone back further is to look to see whether there were changes in either speeding trends or fatality trends that preceded the change of the speed limits.

The **CHAIRMAN**. You did say, Ms. Steed, that you do believe, without pinning you down to any more numbers, that the higher speed limit will probably kill more people than the slower speed limit.

Ms. **STEED**. I said that we are seeing a slight increase in those States and we are trying to figure out exactly how much of that is due to increasing the speed limit.

The **CHAIRMAN**. But you figure almost surely some of it is.

Ms. **STEED**. Some of it is undoubtedly due to increasing the speed limit.

The **CHAIRMAN**. So going to 65 mph is going to kill more people.

Ms. **STEED**. It probably will. Going 55 mph, if it were enforced, would undoubtedly save lives.

The **CHAIRMAN**. Well, we never had a 55 mph in actuality. We had 55 mph laws, but the average speed, nationwide, and in every single State was above 55 mph.

Ms. **STEED**. I think in most cases it was.

The **CHAIRMAN**. Do you think that there's any speed limit from 15 mph on up where the actual speed average is what the law says it should be?

Ms. **STEED**. I think we're seeing an increasing trend for people to disregard speed limits, Mr. Chairman. I was concerned that perhaps that——

The **Chairman**. When did the increase start? I imagine it was when the first automobile speed law was passed.

Ms. **Steed**. My guess is that's probably right.

The **Chairman**. Thank you very much.

Ms. **Steed**. But again, I really do believe that we have a responsibility to encourage people to obey posted speed limits. We've not done much of that in the last several years and I think you'll be pleased with the program.

The **Chairman**. Fine. Thank you. Thank you, Mr. Chairman.

Mr. **Anderson**. Thank you, Mr. Chairman.

What is the agency's assessment of the effectiveness of the State's administrative license revocation laws?

Ms. **Steed**. We think that administrative per se or taking away the driver's license is very effective, Mr. Chairman. We wholeheartedly support that.

Mr. **Anderson**. So the agency's position on these laws is to support them then.

Ms. **Steed**. Absolutely. We think that pulling the license may be one of the most effective, if not the most effective way, to get the attention of the drinking driver.

Mr. **Anderson**. Can you give us current data relative to drunk driving crashes and fatalities? What do the statistics tell you?

Ms. **Steed**. I can, Mr. Chairman.

Mr. **Anderson**. If you want to do that for the record in more detail, that would be acceptable.

Ms. **Steed**. I can do it briefly now. We're still seeing that alcohol is a major problem in our fatalities. Slightly more than half of the fatalities in 1986 did involve some alcohol. But we are seeing a reduction in drunk driving across the country. We've seen a decrease of about 11 percent, from 46 percent in 1982 to 41 percent in 1986 in the proportion of fatalities that involve an intoxicated driver. Again, we've seen a decrease in the proportion of teenage driver fatalities that were alcohol-related. So we are seeing a downward trend.

My concern in 1986, Mr. Chairman, was that those trends were leveling off and that we might be losing the public's attention to what I consider to be one of the most deadly problems that we face in the country—drinking and driving. Fortunately, in 1987, we saw a continuing reduction in alcohol-related fatalities. So we're beginning to see that trend continue downward and we're going to work very hard to keep it that way.

I think the key is to try and keep the public's attention focused on this problem. It seems to be slipping away from the headlines and TV reports. I think it's our job, along with the citizen activist groups and others in the States and communities, to keep that issue before the public, because it's constant attention and efforts that are going to solve this problem once and for all.

Mr. **Anderson**. You may have answered my next question, what are the agency's priorities with regard to alcohol safety programs? What does it propose to do to implement them?

Ms. **Steed**. Well, keeping the public's attention on it is a big priority, and working on the licensing sanctions and seeing more States qualified for the 408 incentive grants are also important efforts. Those grants really address actions that States can take to improve the drunk driving picture. We tried to select the most effective actions that States could take and encourage them to do so in order to qualify for additional funding to fight the drunk driving problem. We're going to be working very hard to help those States qualify for 408 grants—to enact tougher drunk driving laws and increase enforcement and public awareness in those States.

Mr. **Anderson**. Can you describe the TEAM project and tell us the status of this project?

Ms. **Steed**. TEAM, as I think I mentioned earlier, is one of the most exciting programs we have underway to fight drunk driving. It's probably the largest and best example of a public and private partnership to address a national issue. Basically, TEAM is Techniques for Effective Alcohol Management. It involves going into sports facilities around the country—we started with the National Basketball Association—and working with the arena managers to improve their alcohol serving policies and thereby improve the enjoyment of sports facilities without putting a number of drunks out on the road after the sports event is over. Essentially what we are doing is helping arenas and helping pro basketball, and now the Major League Baseball Association to train their servers at arenas, to look at their security policies, to look at how they deal with people who want to bring alcohol on the premises, and to improve their overall alcohol policies there. Again, the program is going extremely well. We've trained people in about 44 arenas around the country. I believe about 13,000 individual people have been trained in better alcohol serving policies and practices. We're seeing a new interest on the part of sports facilities to stop drinking and driving.

A number of public service announcements have appeared through TEAM using major sports figures to remind people not to drink and drive. We are now working very hard to set up individual coalitions to combat the drunk driving problem in those cities that have major sports arenas. We want the sports arena to serve as the core, but really working with all groups in that community to finally end the drunk driving problem. It's going very well.

Mr. **Anderson**. Diane, you heard Congressman Dorgan's testimony on his legislation. What are your views on his bill?

Ms. **Steed**. We have not reviewed the legislation, Mr. Chairman, so let me give you an informal reaction, if I might. I have to agree that disallowing open containers and the right to consume alcohol while driving is a good idea. We have not dealt with it in terms of prohibiting it because we don't have any data on how effective open container laws might be. What we try to do is to find the most effective proven measures that States could take to stop drunk driving. So while it's intuitively a good idea, I simply don't have the data at this point.

Mr. **Miller**. Chairman Anderson, I might add that the adoption of open container and anti-consumption laws were among the recommendations at the Presidential Commission on Drunk Driving in 1983. They are included as supplemental criteria in our section 408 program. As the Administrator indicated, we think they are excellent ideas. We just can't conclude that those are necessarily more effective than other programs, therefore warranting to be singled out in Federal law. But we would encourage States to pursue those initiatives along with many others.

Ms. **Steed**. We have, in fact, assisted States to pursue those kinds of laws. Texas is the best example, where recently they attempted to enact an open container law. We were certainly there supporting those efforts.

Mr. **Anderson**. Diane, can you give us a brief report on the status of the school bus safety study that was authorized in the 1987 highway bill?

Ms. **Steed**. I can indeed, Mr. Chairman. The school bus safety study was undertaken with a contract to the National Academy of Sciences to look at any measures that might improve school bus safety. That can include behavioral kinds of things, school bus driver training, and those kinds of things. It could include mechanical improvements. It could include structural improvements to buses. It could include things like requiring safety belts to be installed on buses. The NAS-appointed committee has been formed, and it has met once. I believe the final study is due back to the Congress in April of next year, and we certainly intend to meet that date.

Mr. **Anderson**. What does the current data tell you about the effectiveness of child passenger safety programs?

Ms. **Steed**. Of the programs themselves? We have laws in all 50 States, Mr. Chairman, that require the use of child safety seats. Usage is up to about 82 percent across the country. We are very pleased with that.

The biggest problem that we have is misuse or improper use of child safety seats. That situation, too, is improving. We see that about two-thirds of the children who are in child safety seats are properly secured in those safety seats. The seats themselves, are very effective in saving lives. They work to reduce 70 percent of the fatalities that might have occurred and are about 67 percent effective in reducing serious injuries.

So the programs that we have set up to encourage child safety seat use, to instruct parents on how to properly use those seats, and as I mentioned before, the Safe Kids Are No Accident Program, are going to go a long way toward improving what we think is already a pretty good picture with child safety seats.

Mr. **Anderson**. I'd almost think you wrote my questions, because you almost answered my next question. What is the current use and misuse rate of child passenger safety seats?

Ms. **Steed**. Use rate is about 82 percent nationwide, and that's based on surveys that we do on child safety seat use.

A few years ago I reported to the committee that about three-fourths of the people using seats were misusing those seats, either not strapping the child into the seat itself, or perhaps improperly strapping the seat into the car. Today I can report that has just about reversed, and we see that two-thirds of those seats are now properly used. So the message is getting out.

Mr. **Anderson**. What is being done generally about child passenger safety?

Ms. **Steed**. Within the agency?

Mr. **Anderson**. Yes.

Ms. **Steed**. We are working with the individual States and we are working with the various groups on the outside, most notably the American Academy of Pediatrics. We just recently started participating in the Safe Kids Are No Accident Program where we think we can reach millions and millions of parents to warn them to properly secure children into child safety seats and do that each and every trip. We are looking at programs that would give parents better information on the effectiveness of seats and so forth.

Mr. **Anderson**. Before 1978—the year the compliance requirements were then included in the law setting the speed limit—only the governor's certification that the speed limit was being enforced was required. I believe that's correct, isn't it?

Ms. **Steed**. I believe that's correct.

Mr. **Anderson**. Now, weren't there problems with that system that caused Congress to establish the provision in the law for the compliance monitor?

Ms. **Steed**. I'm not specifically aware of problems, Mr. Chairman. There was probably not uniform compliance at that point, which caused congressional action, but there's not uniform compliance at this point.

Mr. **Anderson**. Well, if we were to eliminate sanctions, would that give States an incentive to enforce or monitor the speed limit effectively? Or then would we have the same problems we had before 1978?

Ms. **Steed**. I believe times have changed somewhat, Mr. Chairman. I do believe that even if the sanctions or the compliance formula were eliminated that States would continue to monitor both their speed and actual enforcement of speed limits because, again, highway safety is a much higher priority for the States today than it was. I think that's the reason, in large measure, we're able to improve on child safety seat use and safety belt use and fight the drunk driving problem.

I genuinely believe that groups like the Mothers Against Drunk Drivers really changed the public's attitude in this country about highway safety and made it possible for us to have some of the gains in the other areas in addition to drunk driving, like safety belt use.

I think that States are going to be very mindful of what's happening in their States with the change in speed limits and the enforcement of speed limits and that they will continue to monitor that on their own. We've seen that happening already, Mr. Chairman. Some States, most notably North Carolina and Louisiana, raised the speed limit to 65 mph and then, as they watched what was happening, decided that on a particular segment of roadway, 65 mph was inappropriate, and again reduced the speed limit to 55 mph. So I have every reason to believe that the States will continue to collect and use that information.

Mr. **Miller**. Mr. Chairman, we continue to see very active enforcement programs by States on roads that are not posted at 55 mph, including your own State of California. The Highway Patrol is one of the most aggressive speed enforcement agencies in the Nation. They continue to enforce now on the rural freeways, most of which are posted at 65 mph. We see active speed enforcement programs, which we are doing our best to support and provide technical assistance to, on roads posted less than 55 mph. We think the States would have that same commitment to roads posted at 55 mph even without financial sanctions.

We're also very concerned that the presence of a compliance formula and sanctions just for those roads tends to distort the allocation of police resources. It sometimes takes police away from the more dangerous roads and puts them on the less dangerous roads. That can actually be counterproductive to the interests of highway safety.

Mr. ANDERSON. Well, isn't the problem with the 65 mph interstates, where no monitoring is required, that 65 mph is being violated by a growing number of motorists? That is in the case, for example, of New Mexico.

Ms. STEED. That's some of the information that we're attempting to gather at the present time, Mr. Chairman. I have no evidence that shows necessarily that violations are more prevalent on 65 mph than on 55 mph at this point, but that's one of the pieces of information that we're trying to get.

Mr. ANDERSON. But there are no sanctions if they violate the 65 mph and there are sanctions if they violate the 55 mph. That's kind of silly, I think.

Ms. STEED. Well, our point is that we want to work with the law enforcement community to enforce those speed limits, again, no matter what the speed limit is. We want to get at the excessive speeders and to solve what may be the particular highway safety problem in the States. It is not necessarily just to have them deploy resources to make sure that their State meets the 55 mph compliance criteria, but to focus their resources on those areas where they have high crash rates or a particular speeding problem or a drunk driving problem or whatever the problem may be.

Mr. ANDERSON. Well, can you explain to me why on an area if a person violates the 65 mph limit, you don't sanction that, but if the same State has a 55 mph and the motorist violates that you sanction it? Now why is it safer to violate a 65 mph speed limit than a 55 mph speed limit?

Ms. STEED. Well, Mr. Chairman, that's the current law. We would recommend doing away with all of the sanctioning procedures at this point.

Mr. MILLER. Mr. Chairman, I might point out that that's the Federal law in terms of sanctioning the States. The States themselves have speed limit laws and fines for violations of all types of speed limits, and we certainly encourage and support that. We believe that in the case of speed limits, just as with drunk driving and safety belts and other traffic laws, that that's the appropriate place to focus compliance and sanctions. It's State sanctions against drivers are threatening public safety rather than Federal sanctions against the States.

Mr. ANDERSON. I was thinking of the Federal sanctions against the States where they violate the 55 mph, but no sanction against the States when they violate the 65 mph.

Mr. MILLER. Well, that's the system the Congress has set up right now. We agree, it ought to be changed.

Mr. ANDERSON. What does the agency propose to do about the problem of speeding? Does it have a plan? Is there an alternative compliance formula that the agency could support, like a waiting system as suggested by the Transportation Research Board?

Ms. **Steed**. We do have a plan for dealing with speeding and speed limit enforcement, Mr. Chairman. We're approaching it essentially the same way we have the issue of drunk driving and the issue of safety belts. That is by encouraging increased and effective enforcement and supplementing that with public information to warn the public about the dangers of excessive speeding and so forth.

We've started a pretty expansive program looking at things like new public service announcements, new public information and educational materials. We've done some focus on group work and intend to do some more focus on group work to figure out what the best message is for the public and the most effective way to get that message across.

We're conducting workshops in States, with State and local enforcement agencies, to encourage them to enforce posted speed limits and to give them tips on what has worked in other States particularly well.

We're looking at the latest technology in terms of how to enforce speed limits and giving the law enforcement community information on that. Every chance we get, we attend a law enforcement conference and talk about speed and what some of the States are doing to effectively enforce speed laws effectively.

As I said, in some cases where the speed limit was raised we have not seen fatalities go up. In fact, we have seen fatalities fall. So we're looking at those States to figure out what they're doing right and passing that information along to other States. I think it's a pretty extensive program. As I said, it parallels very closely what we've done with safety belts and anti-drunk driving programs.

Your last question was on the compliance formula and whether or not there's a formula that we're aware of that would improve the compliance situation. We know of no compliance formula, Mr. Chairman, that would do that.

It is so complex as to what goes into setting a State speed limit and how to judge what is happening in that State. You'd have to take into account terrain, the various types of roadways, the speed limits in those particular States. It's very hard for us from a national standpoint to figure out a compliance system that would be fair and equitable to all of the States.

Mr. **Anderson**. Mr. Hastert.

Mr. **Hastert**. Thank you, Mr. Chairman.

I have a couple of questions. First of all, getting back to the issue that we're talking about, drunk driving, what statistics do you have that show that there's an actual difference in death per million miles, or however you measure it, between States that allow drivers to drink and States that don't, and States that don't have a law about it period?

Ms. **Steed**. I can't give you that today. I'm not sure that we know statistically what the difference is there. As I said, I think it makes good common sense to say one should not have an open container or allow drivers to drink, but I'm not sure we have the statistical evidence to prove one more effective than the other.

Mr. **Hastert**. Well, I think it's essential that you do have that. Certainly if it makes sense, then we need to have the numbers to show that it makes sense.

Ms. **Steed**. We certainly will look at that, and if we have the figures, I'd be happy to provide them for the record.

Mr. **Hastert**. I would like to have them provided for the record. I'd also like to have them in my office, if I could.

Ms. **Steed**. Fine.

[The following was received from Ms. Steed:]

Question. With regard to open container laws, what statistics do you have that show that there's an actual difference in death per million miles, or however you measure it, between States that allow drivers to drink and States that don't, and States that don't have a law about it period?

Answer. At this time NHTSA has no statistics on the effects of open container laws on traffic fatalities. We plan to examine this issue in more detail in the coming year, however, to see whether we can isolate the effects of such laws from the effects of the many other factors that influence drinking and driving.

Mr. **Hastert**. Are you aware of, or is the NHTSA attempting to develop a drug recognition course so that police officers can identify impaired drivers?

Ms. **Steed**. We are indeed. As a matter of fact, the technique was developed by the Los Angeles Police Department. They have trained a number of what they call drug-recognition experts out there to identify drivers who may be impaired with some substance other than alcohol.

The program works fairly well. It is a system of various kinds of observations and tests that the police officer can give. It involves the physical symptoms of someone under the influence of drugs such as pulse, blood pressure, dilation of the eyes, and so forth. It involves a series of sobriety checks that the officer can do testing reaction time and so forth of the individual. It's very effective in California.

In fact, we brought a number of California officers here to do a laboratory study of the effectiveness of their program. We found it to be quite effective in identifying people who were given a small dose of some drug or other and people who were not. We then did a field test in Los Angeles where we tracked what the officers were doing in terms of identifying drug impaired drivers and followed-up with blood tests of those drivers. It seems to me, if I remember, that they were about 79 or 80 percent effective in identifying those drivers that did have drugs in their system. So what we're doing is taking that program that was developed by the Los Angeles Police Department and training police officers in, right now, four sites around the country. We hope to expand that to other places.

Mr. **Hastert**. Do you have any data on people who are drug impaired and death statistics?

Ms. **Steed**. We have some, what I would term anecdotal data in terms of the amount of drug impairment on the highways at this point. It's anywhere from about 10 percent to 20 percent. That's based on the LAPD experience, and it's based on a few trauma centers looking at drug involvement in fatally injured traffic victims and so forth.

Mr. **Hastert**. I think it's important to develop that data. To go back to my original question, I don't think it would be too hard to pull down the DWI and death statistics in those States that we have identified here.

Ms. **Steed**. As a matter of fact, we have a report coming to the Congress, I would hope within the next few weeks, that will address that particular question.

Mr. **Hastert**. Thank you. Thank you, Mr. Chairman.

Mr. **Anderson**. Mr. Rowland.

Mr. **Rowland**. Thank you, Mr. Chairman.

Thank you, Ms. Steed, for the good work that the National Highway Safety Administration does.

Let me ask you a question. On your statement, page 2, you say that "preliminary data for 1987 indicates the downward trend in alcohol-related fatal crashes has continued. In 1986, the latest year for which we have complete data, the proportion of drivers involved in fatal crashes who were legally intoxicated had dropped by 14 percent since 1982. Over that same period the proportion of teen-aged drivers showed the most significant improvement, declining by 26 percent."

Representative Dorgan, this morning on the first page of his pending statement says, "According to the Department of Transportation alcohol-related deaths have increased by 7 percent, including a 9 percent increase in the number of 15- to 19-year-olds killed in 1986." How do we reconcile those two conflicting figures?

Ms. **Steed**. I'm talking in terms of the proportion of drivers that are involved with alcohol-related fatalities. He may be talking actual numbers. I'd be happy to look at his figures and ours, Mr. Congressman.

Mr. **Rowland**. I wish you would because we've got some inconsistency there and I'd like to see if we could get that cleared up. They say you can take figures and prove most any point you want to.

Ms. **Steed**. That's for sure.

Mr. **Rowland**. I'd like to know what is the difference here. If you would submit that I would appreciate that.

Ms. **Steed**. We have several measures of how we are progressing on the drunk driving front. It may be that we are just using different statistics. I'd be pleased to do that.

Mr. **Rowland**. Okay.

[The following was received from Ms. Steed:]

Question. Could you please reconcile the alcohol statistics you provided on page 2 of your statement and the alcohol statistics Representative Dorgan provided on the first page of his statement?

Answer. There are many factors, such as changes in the amount of driving and the use of alcohol by drivers, which affect the total number of crashes and fatalities that occur each year. For example, experience has indicated that traffic fatalities increase in strong economic periods due in large measure to the changes in driving patterns associated with increased disposable income. The 5 percent increase in 1985–1986 traffic fatalities noted is, in part, a result of this relationship. Since total fatalities increased, other crash characteristics, such as the number of alcohol related fatalities and the number of fatalities involving occupants wearing safety belts, also increased. It is the increase in absolute numbers of alcohol related deaths between 1985 and 1986 that appears to be the source of the statistics presented by Representative Dorgan.

Because of the many factors that contribute to yearly changes in the number of crashes, we believe a more accurate indication of the role of alcohol in fatal crashes is the proportion of traffic fatalities that are alcohol related, rather than the absolute number. Thus, while both sets of statistics are correct, we prefer to utilize the proportion of alcohol related crashes as a measure of the significance of the alcohol/highway safety problem.

Mr. ROWLAND. We haven't talked about trucks this morning, at least not while I was here. In 1986, the latter part of that year we passed some legislation to try to improve the safety insofar as truck-automobile fatalities were concerned.

Yesterday I drove from middle Georgia to Atlanta, 135 miles on the interstate. I stopped counting at a dozen trucks exceeding, I know, 75 mph, some probably up around 85 mph. One truck, in particular, was going through a construction area at a very high rate of speed, some cutting traffic. I'm concerned about the high rate of speed of trucks much more so than I am about automobiles. Do you have any information about whether or not there has been any decrease in truck-related fatalities now compared to prior to the passage of this legislation in 1986?

Ms. STEED. I'd have to look at that, Mr. Rowland and supply that for the record. We look at fatally injured truck drivers. Those deaths have been going down steadily each year—since about 1981. But I think you're interested in a broader picture in terms of truck-related accidents, and that I'd have to supply for the record.

Mr. ROWLAND. Absolutely. And how they relate to automobiles, to four wheel vehicles?

There are several national organizations, such as ATA, that have worked very hard to try to improve the problem with relationship to safety in trucks. I would be interested to have some statistics, because in looking at trucks on the highway I can't see a great deal of change in the way that they are driving now, particularly relative to speed. I've noticed that the 55 mph speed limit on interstates in metropolitan areas, 65 mph in the rural areas doesn't seem to make any difference. They drive at the same speed whether it's 55 mph or whether it's 65 mph. That's just an observation that I've made. I'm very much concerned about that particular thing. I would appreciate getting some information on that.

[The information received from Ms. Steed follows:]

Question. Has there been any decrease in truck-related fatalities since the enactment of the Commercial Motor Vehicle Safety Act of 1986? Also, please compare truck-related fatalities for this period with those for automobiles.

Answer. While some provisions of the Commercial Motor Vehicle Safety Act of 1986 (such as the single license requirement) went into effect July 1, 1987, other provisions of the Act (including the classified licensing system) require completion of DOT rulemaking and adoption by the States, with final implementation by 1993. It will therefore be some time before enough data are available to address questions of the safety effects of this Act.

Presented in the following table are the numbers of fatalities for both heavy trucks and passenger cars for the period 1980 to 1987. Final data for calendar year 1987 will not be available until June 1988. Fatalities are those that are heavy truck related (a heavy truck was involved) and passenger car related (a passenger car was involved). Some double-counting occurs for fatal crashes involving both a car and a truck.

TOTAL FATALITIES

Year	Heavy trucks [1]	Cars
1980	4,473	36,379
1981	4,594	35,234
1982	4,226	31,590

TOTAL FATALITIES—Continued

Year	Heavy trucks [1]	Cars
1983	4,365	30,486
1984	4,605	31,540
1985	4,655	30,876
1986	4,468	32,750
1987 [2]	4,340	32,500

[1] Combination Unit Trucks, Bobtails, and Single Unit Trucks pulling trailers
[2] Fatalities estimated on the basis of initial data

Mr. Miller. Congressman Rowland, I might add that one of the speed projects that the Administrator had not previously mentioned but that you might find of interest is that we are preparing, for the use of law enforcement agencies around the country, a traffic law enforcement manual geared specifically toward commercial vehicles, focusing on speed. It requires some different techniques to train a police officer in how to pull over a tractor trailer than it does somebody driving a passenger car. We think that will be useful to police agencies around the country in terms of enforcing not only speed laws, but also other traffic laws that some truck drivers might break.

Mr. Rowland. Well, that's interesting. Since you brought that up, I frequently see automobiles that are pulled over on the interstate by the State police, but I rarely ever see a truck that is pulled over. So I wonder how it is that trucks manage to escape that but automobiles don't, and that's what you are talking about.

Mr. Miller. This is additional assistance. The statistics we have—we do not have tremendous reporting of citations by vehicle classes currently. That's a separate project that we've been working on. But the anecdotal information that we have from State police agencies indicates that they do, in fact, issue speeding citations to trucks as well as to passenger cars, but I can't give you specifics as to proportions. This is to provide an extra tool to law enforcement officers.

I might add that we've had very good support from the American Trucking Associations for the concept of speed limit compliance. Indeed, they are supporting in State legislatures a lower speed limit, to retain the 55 mph speed limit for trucks even if it's raised for passenger cars.

Mr. Rowland. Well, while I'm sure that the State police would be just as apt or more apt to stop a speeding truck than it would an automobile, it seems that someway the trucks might be able to escape that. Thank you very much. Thank you, Mr. Chairman.

Mr. Anderson. Mr. Clement?

Mr. Clement. Ms. Steed, recently a Virginia man whose license was permanently revoked following a fatal alcohol-related accident was re-arrested following another fatal alcohol-related accident. It was discovered that he had a valid driver's license from another jurisdiction. How did that new license come to be issued, and what is the NHTSA doing to coordinate the sharing of information about license revocation?

Ms. Steed. I am very much aware of the particular situation that you mention in Virginia. I am not necessarily aware of the specifics as to why that new valid license was issued. We are looking into that. But I can tell you, Mr. Clement, that what we're doing on the National Driver Register is very important.

The National Driver Register is a system by which drivers whose licenses have been revoked for drinking and driving, for example, are identified. All States as they are issuing new licenses can call upon a central file that is kept here in Washington, D.C. to check and see if this particular person to whom they are issuing a new license has had a driver's license suspended, canceled, or revoked for drunk driving or any other type of problem situation.

The existing system works well in identifying those problem drivers, but the problem with the system at this point is that it is too slow. We have been relying on the mail system for responding to State inquiries. Sometimes it has taken two weeks to answer a State's question, "Do I have a problem driver applying for a license in my State?" We've made a number of advances over the last several years in speeding that process up. We can provide overnight services to more than 20 States at this point.

We are, in addition, working on a brand new problem-driver pointer system that will give the State a response as to whether or not the applicant is a problem driver within about seven seconds. We have four States right now that are in a pilot program to look at this 7-second response time. We are learning from the experience of those four States how best to set this system up with computers and so forth.

In the four States where we are experimenting with the rapid turnaround system, we are getting very, very good results. Those States are Washington, North Dakota, Ohio, and Virginia. We are very pleased with preliminary results. That test just started in August of last year. It will be completed in August of this year. We have great hopes for that system in improving exactly the situation that you are talking about.

Mr. CLEMENT. In your studies of the consumption of wine and spirits versus beer—is there any correlation between what they drink and alcohol-related accidents?

Ms. STEED. I don't think we have any specific information as to whether more accidents occur due to any particular kind of intoxicating beverage. Our advice is don't drink and drive, period.

Mr. CLEMENT. Thank you. Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. de Lugo.

Mr. DE LUGO. Thank you very much, Mr. Chairman.

Administrator Steed, I want to commend you on your testimony. I've read it. I'd like to associate myself with many of the statements made here today on the success of your programs, particularly in the case of the alcohol abuse programs, driving while under the influence of alcohol.

I know that 49 States and the District of Columbia have raised the legal drinking age to 21. My observation is that public education has done probably more than anything else to help with the drunk driving problem, which we've only begun to scratch the surface of.

On the question of seat belts—on the other program—have you found which group of drivers is most reluctant to use seat belts? Is it the younger driver, or would that be the older driver? Older meaning someone from my age on up.

Mr. **Anderson**. Like you. [Laughter.]

Mr. **de Lugo**. Like myself. Or the younger ones like the chairman? Are they the troublemakers or am I? [Laughter.]

Ms. **Steed**. I'm glad you defined older, Mr. Chairman. I have trouble doing that once in a while, Mr. de Lugo.

We find, generally, that it is harder to convince a young person to wear a safety belt, because I think younger people often have the feeling that they are invincible, that nothing is going to happen to them, that they are not going to die in a traffic accident. They are generally so enthusiastic about driving and obtaining a driver's license and so forth. But I think they don't often think about the dangers of driving and the problem of not wearing safety belts.

In addition, we do see that a number of older people believe that, well, I've gotten along this long without wearing a safety belt, so why should I start now? On the other hand though, as we've seen State laws come into effect that require safety belt usage, we do see older people beginning to buckle up because it's the law or because they might be subject to a fine. So we think that the laws are helping to get at this question and to go beyond what we might be able to do with public education.

I generally believe that now, with the child safety seat laws and with the safety belt laws, we are raising a generation of young people and children that will obey some of these safety belt usage laws and know the value of safety belts from the time that they were small children. I think we'll see that situation improve. We have found that—as opposed to public information—it does take that law to get over about 40 percent usage, not only in this country but in other countries as well.

Mr. **de Lugo**. That's my perception, that it does take the law. But once the person has, whether reluctantly or otherwise, begun to buckle up my observation has been that the older driver will continue to buckle up once they've done it. But it does take the law.

I will say one thing. It has been my observation, too, among friends and family that the one thing that will make you believe it real fast is if you have an accident, because seat belts really work. It's amazing that we got along as long as we did without them.

And quite frankly, my wife was involved in an accident a few years ago. The only reason that she is not either horribly disfigured, which she's not, or dead is because she had her seat belt buckled up. At the time of that accident she was at a dead stop at a stoplight, and had been at a stop for several seconds, when she was hit from behind by a much larger car. Her vehicle was thrown all the way across the intersection and completely turned around. It was a brand new car. The back end of her car was just smashed right in, and nothing happened to her. It's an amazing thing, just a little soreness in the neck. I can tell you that, thank God, she had the seat belt on. Prior to that accident she did not want to wear her seat belt.

Again, I think that you look to people that you really know to see how these things are working. In the case of my father-in-law—I'll talk about my family—he is an older gentleman and took the attitude that he has gotten along without them. But the minute the law was passed—he has a great reverence for the law—he began to buckle up, and now he uses them.

On the question of the seats for children, are most of these seats that are being sold, is there a uniformity in these seats that are sold or is there a great disparity as far as which work and which don't?

Ms. **Steed**. I think you're asking whether there are any Federal standards. Indeed, there are certain safety standards that these seats must meet in order to be sold to the public as child safety seats. We actually require the manufacturers to put a label on the seats that says, "This seat meets Federal standards." In addition, we test the seats to make sure they meet the claims of their manufacturers. There is a general level of safety for child safety seats at this point.

Mr. **de Lugo**. Well, I just want to take a moment to commend you on the job that you are doing. I think that your office is saving a lot of lives, and I hope will be able to save many more. Thank you.

Mr. **Anderson**. Mr. Packard.

Mr. **Packard**. Just one quick question, Mr. Chairman.

Ms. Steed, in your studies and in your preparation for reporting on the 65 mph speed changes that have been made, are your studies going to include the average speed? At 55 mph the average speed was perhaps 62 mph or 63 mph. At 65 mph it would be interesting to know whether it goes up a corresponding amount or whether it would be a portion of that amount, and what effect that is having, enforcement of the 65 mph verses enforcement of the 55 mph.

Ms. **Steed**. Yes, sir. That is one of the questions that we will be looking at and one of the questions that we wanted to see answered. That is why, as Mr. Miller said earlier, we went back to January to look at some of these statistics to see what was actually happening to actual speed. We are getting actual speed monitoring data from a number of States which will be in the report that will be sent to the committee.

Mr. **Packard**. I suspect that the number of vehicle miles traveled will be factored in also——

Ms. **Steed**. Yes.

Mr. **Packard** [continuing]. Because if there's an increase of mileage on a given freeway that ought to be factored into the statistics, I presume, also.

Ms. **Steed**. Yes, sir, that's correct. We obtained this information from a number of different sources. That's what we're trying to do, put it all together and do some actual analysis to figure out what is happening as a result of the increased speed limit.

Mr. **Packard**. When will your reports be available?

Ms. **Steed**. I hope to have the interim report up to the Congress before the end of the month, or certainly within the next few weeks. It was, I believe, due today. It wasn't until early February that we were actually able to get some of the data that we needed to do the reports, so we've been very busy crunching numbers for about a month. I hope to have it up very soon. That will be an interim report. The first comprehensive report, where we feel fairly confident that we'll have a better idea as to what's happening out there, will be about September of this year.

Mr. Packard. Will that report include recommendations?

Ms. Steed. I'm not sure that we'll be including any recommendations. I think that what we were asked was to determine what the effect of the speed limit might be.

Mr. Packard. Thank you, Mr. Chairman.

Mr. Anderson. I have several questions, Ms. Steed, but in the interest of time, I'm going to submit them to you and would like to have you answer them for the record.

Ms. Steed. Fine, I'd be happy to.

[The questions submitted by Mr. Anderson and the answers thereto from Ms. Steed follow:]

U.S. Department of Transportation,
National Highway Traffic Safety Administration,
Washington, DC, April 25, 1988.

Hon. Glenn Anderson,
Chairman, Subcommittee on Surface Transportation,
Committee on Public Works and Transportation,
U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: I am enclosing our answers to the Subcommittee's questions from its March 15 hearing on the status of the State and Community Highway Safety Program.

Please let me know if we can provide additional information on our current highway safety activities.

Sincerely,

Diane K. Steed.

Enclosures.

Question. Can you tell us more about the proposed modifications to the rules implementing the section 408 program that you are planning and what is being done relative to rulemaking?

Answer. On April 8, 1988, the agency published a notice of proposed rulemaking to increase flexibility for the States, by establishing alternative methods of demonstrating compliance with the criteria for alcohol safety incentive grants under section 408. The action proposed to amend, in particular, portions of the agency's current regulation that we believe are unnecessarily restrictive in defining the manner in which a State may demonstrate compliance with the statutory requirements. For example, the notice proposed to reduce the amount of data needed to demonstrate compliance with the requirements for prompt suspension and mandatory sentencing. In addition, the regulation would no longer specify the purposes for which restricted licenses could be issued, so long as such licenses are issued in accordance with statewide published guidelines. A third proposed change would alter the requirement for "prompt" suspensions for supplemental grants to conform to the somewhat less restrictive requirement now applicable to basic grants.

Question. Will you please describe to the Committee the benefits that have arisen from this grant program, looking at the data in those States that have qualified?

Answer. As a group, Section 408 States have made more progress than non-408 States in terms of program improvements and in terms of reductions in the proportion of their fatalities that involve an intoxicated driver. The first group of States to qualify for 408 funding (a group of ten States) reduced the proportion of intoxcated driver-related fatalities from 30 percent in 1982 to 22 percent in 1986 (a 27 percent reduction). In contrast, non-408 States reduced driver-related fatalities only be 16 percent over the same period.

Regarding program improvements, an analysis of the recommendations of the Presidential Commission on Drunk Driving indicates that 408 States have implemented 78 percent more of the Commission's recommendations than have non-408 States; 408 funds have allowed for additional improvements in States meeting the statutory criteria for Section 408. In New Jersey, for example, 408 funds have been used to support increased enforcement, sobriety checkpoints, public information, court backlog reduction, local task forces, and prevention programs. As a result, according to data provided by the State, the proportion of fatalities that involve an intoxicated driver has been reduced from 28.5 percent in 1983 to 18.3 percent in 1986.

Typical uses of 408 funds in States include: enforcement, public information, and chemical test programs; improved case tracking and backlog reduction programs; local task forces; developing youth and adult prevention programs; implementing newly obtained administrative license suspension programs; and providing improved training for police, prosecutors, and courts.

In summary, evidence shows that Section 408 States have made significant accomplishments, both before they qualify and after. Clearly significant progress occurs after qualification in many States. Several non-408 States have also made significant improvements in their attempts to qualify for 408. In this sense, the 408 program has met with some important successes.

Question. What is the status of the National Driver Register. Are we on track?

Answer:

The four States in the Problem Driver Pointer System pilot program—North Dakota, Ohio, Virginia, and Washington—began operations in August 1987.

After the pilot test ends in August 1988, NHTSA will begin preparing the report to Congress required by the National Driver Register Act of 1982.

The pilot test is showing that the system is performing as designed:

The initial response takes about 7 seconds.

The relay of adverse data from the State of Record to the State of Inquiry averages 20 to 30 seconds.

Through December 1987, the pilot test States recorded 228,000 inquiries, 21,000 "hits" (drivers with records in other States), and 3,400 license denials.

In addition to the upgrading required by the 1982 Act, HNTSA has made interim improvements (the Remote Job Entry technique and the Rapid Response System) that have made the NDR more usable for many States.

Question. What is the status of highway safety generally in the U.S., in your opinion? What are the weaknesses you see in highway safety programs in general and what are the strengths?

Answer. We believe much progress has been made in important areas of highway safety in the last several years. We note these improvements:

The fatality rate is at an all-time low of 2.4 fatalities per hundred million miles driven, down 27 percent since 1980.

All the States have strengthened their drunk driving programs, a process that has led to a significant drop in the percentage of fatalities which are alcohol related.

Thirty-two States and the District of Columbia have safety belt laws, and safety belt use rates have risen dramatically.

All States have child passenger safety laws.

All 50 States and the District of Columbia now have 21 as the minimum drinking age.

Many political leaders at the State, county and local levels now see highway safety as an important public policy issue.

We note the following weaknesses:

All too often, successful safety projects falter for lack of sustained financial support. We need to help develop and implement creative ways for State and local programs to become self-sustaining.

Traffic safety is still not seen by the general public as a public health issue. We need to convince the public of the health effects of motor vehicle crashes. Some progress has been made as mayors and governors relate this issue to the themes of wellness and quality of life, but more effort is needed.

Despite a sharp focus on single issues such as alcohol, these issues are often not adequately integrated into comprehensive programs at the community level. We need to promote more projects that address multiple traffic safety concerns, in accordance with local needs.

The campaign against drunk driving made enormous strides in the early 1980's, but seems to have lost some momentum in the last few years, and as a result, progress has leveled off. We need to restore this momentum through greater public attention to this issue.

Although general awareness campaigns have been successful in raising the overall level of safety, there are several groups which these campaigns have not effectively reached. We need to focus more specifically on minorities, rural populations, young drivers, and other groups.

We see the following strengths:

The public is much more aware of certain key facts, such as the dangers of drunk driving and the benefits of safety belts.

Private/public partnerships have emerged to deal with specific highway safety issues, such as the TEAM program.

States and communities have significantly increased their efforts in drunk driving, occupant protection, child passenger safety and emergency medical services.

Many groups and organizations that had not been involved in safety have taken an active role and are providing new strategies and ideas.

The heightened public awareness of safety has led to an increase in the public's interest in the safety features of automobiles. The manufacturers have noticed this increase and have responded to it through such voluntary improvements as rear seat shoulder belts and antilock brakes.

We are working with the Department of Health and Human Services in this effort.

The integration of single focus issues into comprehensive community-based programs. The Agency has developed a Traffic Safety Plan on Comprehensive Community Traffic Safety Programs which includes development and production of materials specifically designed to enhance awareness among elected officials. The plan also calls for conferences for program managers and dissemination of case studies and evaluations of existing efforts.

Question. Please briefly describe the drug recognition expert program and its current status.

Answer. The Drug Recognition Expert program qualifies law enforcement personnel to conduct a specific process for drug evaluation and classification. This process is a standardized, systematic method of examining a person suspected of impaired driving or some other alcohol/drug-related offense, to determine:

whether the subject *is* impaired; and, if so,

whether the impairment is *drug*-related or medically related (e.g., illness or injury); and, if drug-related,

the broad category (or combination of categories) of drugs that is the likely cause of the impairment.

The process was developed within the Los Angeles Police Department (LAPD) and officially adopted by that Department in 1979. It is not a field test procedure, but a post-arrest investigative procedure performed in a carefully controlled environment. It cannot determine the exact drug used, but it can narrow the range of possible drugs to certain categories, thereby facilitating the administration of evidentiary chemical tests.

The status of Drug Recognition Expert program is as follows:

In FY 1987, NHTSA staff assisted LAPD in organizing and standardizing the Drug Recognition Technician (DRT) training curriculum, and trained senior DRTs from LAPD to be instructors.

The new curriculum was pilot tested, after which minor revisions were made and sites were selected for training.

By April 1, 1988, training of candidate Drug Recognition Technicians (DRTs) will be completed at four sites:

Metropolitan Phoenix, AZ; Denver/Boulder, CO; Nassau County, NY; Virginia Beach, VA.

The initial candidates from Arizona and Colorado were selected and received the two days of Preliminary Training in October 1987. They received seven days of formal classroom training in Los Angeles during November 1987, followed by on-the-job certification training beginning in January. The majority of these candidates were certified as DRTs by March 1, 1988.

The initial candidates from New York and Virginia were selected and received preliminary training during January 1988. Their seven days of formal classroom training took place in Los Angeles during the first half of February. Their on-the-job certification training commenced immediately after, and should be concluded on or about April 1, 1988.

We anticipate expanding the program to six additional sites in Fiscal Year 1989.

Question. Where are we in the rulemaking process for state highway safety programs?

Answer. On April 6, 1988, NHTSA and FHWA published a final rule, in accordance with section 206(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, to determine the highway safety programs most effective in reducing accidents, injuries and deaths. The agencies had published a proposal in

September 1987 and had held three public hearings to solicit public comments. In their final rule, the agencies determined that motorcycle safety is an effective program that should be included as a National Priority program in addition to the original six programs. This means that motorcycle safety programs will be eligible for Federal funding under the expedited review procedures of the State and Community Highway Safety Grant Program (23 U.S.C. 402).

As amended, the National Priority program areas consist of—NHTSA Program Areas: Alcohol and Other Drug Countermeasures, Emergency Medical Services, Motorcycle Safety, Occupant Protection, Police Traffic Services, Traffic Records. FHWA Program Areas: Roadway Safety.

Question. Can you give us some examples of good highway safety programs?

Answer. Since the Section 402 program was first begun it has significantly contributed to improving highway safety in this country. Some successful 402 activities include:

Section 402 funds supported the New York task force whose report led to that State's landmark safety belt law.

Many other Governors' safety belt and alcohol task forces were similarly supported by 402 funding.

With 402 funds to support its enforcement program, Hawaii increased the use of front seat belt from 18 percent before the belt law to 66 percent in January 1987. Front seat occupant fatalities declined 24 percent in 1986, compared to 1985. Special 402-funded enforcement resulted in 1,396 belt citations and 105 car seat citations.

Both Utah and Florida have introduced 402-supported "Arrive Alive" programs during peak holiday periods. These programs include an extensive public information campaign, coupled with heavy speed, DUI, and safety belt enforcement. Utah reduced its fatalities by 67 per cent during the summer holidays of 1987.

In Auburn, Alabama, over a two year period, a 402-supported alcohol program increased DUI citations by 32 per cent and led to a 50 per cent reduction in DUI crashes.

The alcohol enforcement program supported by 402 funds in Lexington-Fayette, Kentucky, helped reduce alcohol-related crashes by over 30 per cent during a four-year period.

"This is Life", a rock video written by singer-songwriter Robbie Dupree, directs a message at 18–24 year olds that drinking and driving is a deadly combination. More than 50 stations across the country have added it to their playlists and Canadian stations have also played it widely. The project was funded with $22,000 of 402 funds and $146,000 of private funds, an excellent example of "leveraging".

In Lewistown, Idaho, over a three year period, the 402 alcohol program helped increase DUI arrests by 74 percent and other moving violations by 71 percent. At the same time, total crashes declined 16 percent, injuries 36 percent, and fatalities 69 percent.

Colorado's Law Enforcement Assistance Fund (LEAF) program, a program to reduce impaired and drunken driving through innovative prevention and law enforcement efforts has provided over 5 million dollars to 68 Colorado cities and counties to increase DUI arrests in their communities. The ongoing program costs are being funded through a $65 fee assessed upon conviction for an alcohol or drug offense. Total 402 startup costs for the program were $49,700.

Question. Why didn't you ask for the authorized amount of $126 million (for Section 402) in your budget request?

Answer. The 1989 budget request of $115 is consistent with the amount appropriated by Congress for FY 1988 and reflects our continued, strong support for the Section 402 Grant Program. At the requested level, NHTSA will be able to provide more to the states than in FY 1988, when the agency was required by the Commercial Motor Vehicle Safety Act of 1986 to transfer $3 million to the Federal Highway Administration to implement the commercial operator licensing program. In our judgment, the request achieves a necessary balance between support for essential State safety initiatives and the need for Federal fiscal restraint.

States are committing an increased share of their own resources to highway safety. As the legislation intended, 402 grants are being used to develop and start new safety techniques and products which States then continue without Federal support. In our view, the agency has reached the point where States are extremely successful in their efforts, and the current grant level is sufficient for sustaining the continued introduction of new, more effective safety activities.

Question. What programs currently exist with regard to older drivers at NHTSA?

Answer. As part of our overall educational outreach effort, we are helping to incorporate traffic safety materials into informational and educational training programs being developed for the elderly by the private sector. Our "Elderly Driver Retraining" study, published in 1982, examined the information requirements of the elderly and identified the groups which could best communicate this information to them. We recently completed a project to further improve the process of communicating safety information to older drivers and pedestrians.

Traffic safety materials, including literature explaining the benefits of safety belt use among the elderly, and literature addressing the aging process and effects of alcohol and drugs, have been made available throughout the country through programs sponsored by organizations such as the American Association of Retired Persons (AARP), the National Safety Council (NSC) and the American Automobile Association (AAA). NHTSA also assisted the AARP in the development of an older passenger motor vehicle occupant protection program.

In addition to the educational effort, NHTSA and FHWA have joined the Transportation Research Board and other institutions to sponsor a $450,000, two-year study on "Improving Safety and Mobility for Older People." A part of this TRB study will be the identification of improved vision testing and driver education and self-appraisal techniques. The final report, to be sent to Congress by the fall of 1988, will identify both professional practices and public policies that can resolve the problems of mobility for the elderly, based on literature critiques and technical conferences.

Question. What youth programs exist, or are being developed by the Agency? Which ones seem to be the most effective?

Answer. "Project Graduation," a program that encourages alcohol-free activities during the prom and graduation season, has been promoted by the agency for the past five years and appears to be highly effective. An evaluation by the Centers for Disease Control in 1985 found evidence to suggest that those communities which sponsor alcohol-free activities during prom and graduation seasons experience fewer alcohol-related crashes.

The effectiveness of Project Graduation is illustrated by Maine's program, in which the number of alcohol-related fatalities among 15- to 19-year-old Maine drivers during the graduation period decreased from 12 in 1979 to none in 1983 and one in 1984. During this period, the number of Maine schools participating in Project Graduation increased from 1 to 129.

"The Road to Winning" is a high school assembly program using celebrity athletes to focus students' attention on the drinking and driving issue. Although we have made no formal evaluation of this approach, we believe it to be among the most effective student assembly programs.

Programs which are planned or under way include:

NCADD Youth Impaired Driving Public Hearings. We have sponsored hearings at 5 sites, each of which drew heavy youth participation and significant media attention. A final report consolidating the testimony and making recommendations will be forthcoming.

Systemwide Response Curriculum. NHTSA and the Department of Justice are jointly funding this promising community organization activity.

Peer Leader Training. In conjunction with the TEAM program and the Department of Justice, we are developing a one-week training program for high school students to acquire information about alcohol and other drugs and impaired driving and to plan prevention strategies they can implement when they return to their high schools.

Juvenile Court Judges Workshop. Over 150 judges in 17 States have attended training to heighten their awareness of the teen impaired driving problem and to give them options to consider in sentencing youthful offenders with good evaluation results.

Future Farmers of America (FFA) alcohol and occupant protection project. The project will start this fall using the newly developed Student Leader Training Manual. The manual is suitable for use by other youth organizations in addition to FFA.

CARE Nurses. This is an awareness program for high school students now operating in many States. Section 402 provides partial funding.

National Organizations Conference. This conference will be held this spring to enlist 30 organizations which will address the youth alcohol and drug problem to cooperate in community action plans to implement NHTSA youth plan.

Youth Regional Summits. These meetings will be held this summer and autumn to enlist youth leaders to conduct joint occupant protection and alcohol projects during the school year.

National Council of Negro Women (NCNW). The Council is scheduling speakers and chapter programs for education and awareness on child safety seats, safety belts and automatic crash protection.

American Academy of Family Physicians. The Academy has developed an outreach program with an emphasis on rural families and youth. A key objective is to educate patients on occupant protection and to increase physicians' support for enforcement of safety laws.

Question. As a university president I had the opportunity to see first hand the increased use of alcoholic beverages among college students. I don't know if students have the impression that beer drinking is less dangerous than wine or spirits, but that impression is found among a wide cross-section of the general public. It has recently been brought to my attention that a Department of Justice study of alcohol-related accidents found that more than 50 percent of those accidents involved beer. I understand that NHTSA has made similar findings in the past. Could you comment on the impression that beer is less of a problem than wine or spirits, particularly among young people?

Answer. While we have no direct data on whether people believe beer is less dangerous than wine or spirits, some information points in that direction. Some states, for example, had a two-tier age requirement for purchasing alcohol, with a lower age (18) for beer and a higher age (21) for wine and spirits. Use of the term "hard liquor" itself implies that other liquor, perhaps including beer, is "soft." The distilling industry has conducted campaigns to emphasize that "standard servings" of beer, wine, and spirits contain approximately equal amounts of alcohol. The underlying assumption of these campaigns seems to be that the public thinks beer and wine are less intoxicating than distilled spirits. Despite these indications of a more relaxed attitude toward beer, we have no empirical data on this point.

While we lack statistical data on whether beer is actually seen as "less dangerous," there is evidence that beer is the beverage of choice for the American driver. The National Institute of Justice sponsored a nationwide study of drivers who drink, which showed that beer was the preferred beverage (41 percent) as opposed to wine (32 percent) and spirits (27 percent). This study concluded that drivers who preferred beer typically drank to higher levels of intoxication, were more likely to drive after drinking, and tended to consider driving while intoxicated to be less serious. The research found these conclusions to be true regardless of sex, age, education, income, and marital status. Studies dealing with drivers arrrested for DWI offenses also found that beer was the preferred beverage. The Department of Justice study you mentioned found that beer was the principal beverage consumed by 54 percent of the drivers. Similar studies in New Hampshire and Maryland found even higher percentages of beer drinkers (71 per cent and 78 per cent, respectively).

Question. Is beer the drink most often consumed by drivers involved in auto accidents?

Answer. We do not have data on the type of alcoholic beverage drivers involved in auto crashes had been drinking. Blood alcohol concentration (BAC) is the principal measure of alcohol involvement where deaths and injuries are concerned, rather then the type of alcoholic beverages consumed. The 1988 Justice Department study we cited earlier dealt with DWI arrestees but not accidents.

Question. Does NHTSA have any ongoing program to emphasize the dangers of excessive beer drinking or is it more generally focused on alcoholic beverages as a class? I am particularly interested in knowing since I suspect beer is the beverage of choice among a sizable proportion of college students.

Answer. No. NHTSA's programs are designed to reduce the incidence of drinking and drug impaired driving. We emphasize the dangers of impairment from alcohol and other drugs and focus our efforts on separating drinking from driving and eliminating impaired driving.

Mr. ANDERSON. With that, I'd like to thank you for your presentation here today. It has been very good.

[Ms. Steed's prepared statement follows:]

STATEMENT OF DIANE K. STEED, ADMINISTRATOR
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
BEFORE THE SURFACE TRANSPORTATION SUBCOMMITTEE OF THE
HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
ON VARIOUS HIGHWAY SAFETY ISSUES
March 15, 1988

Mr. Chairman and Members of the Subcommittee:

I am pleased to testify on highway safety issues of mutual concern to this Subcommittee and the National Highway Traffic Safety Administration (NHTSA). We are proud of the progress we have been making in highway safety in recent years, and I am happy to meet with you today to discuss our plans for the coming year.

The most encouraging news we have about 1987 is the fall in the highway fatality rate. That rate, which has become the accepted standard of progress in highway safety, continued its downward trend from 3.3 deaths per 100 million miles traveled in 1980 and 2.5 in 1986 to an all-time low of 2.4 in 1987. This decline can be better appreciated by comparing the fatality data to what might have been. For example, if the fatality rate in 1987 had been the same as the 1980 rate, there would have been more than 63,000 traffic fatalities instead of the 46,000 that we estimate to have occurred.

These figures represent good progress, and I want to describe for you what we are doing to keep them moving in the right direction.

Alcohol Programs. Although alcohol is still involved in a high percentage of all highway deaths, we are continuing to see the benefits of numerous drunk driving countermeasures in the public and private sectors. The preliminary data for 1987, which indicate that the downward trend in alcohol-related fatal crashes has continued, show the proportion of fatalities involving alcohol intoxication at 40 percent, down from 41 percent in 1986 and 46 percent in 1982. In 1986, the latest year for which we have complete data, the proportion of drivers involved in fatal crashes who were legally intoxicated had dropped by 14 percent since 1982. Over this same period, the proportion of teen-aged drivers showed the most significant improvement, declining by 26 percent.

Forty-nine states and the District of Columbia have raised the legal drinking age to 21. Based on the agency's estimate for the effectiveness of minimum drinking age laws, our preliminary estimate is that these laws saved the lives of about 1,000 people in 1987 and have saved some 4,400 lives since the drinking age laws began to be raised in 1982.

Despite these postive trends, I hope no one receives the impression that the battle against drunk driving is won and that we can now go on to other priorities. While we have come a long way from where we started, the battle is far from being won. Every day the state and local highway safety programs confront the reality that drunk driving is tolerated by many of our citizens. Perhaps the best solution is to concentrate more on how to imprint this tragedy on the public's consciousness so that no one can forget the effects of drinking and driving.

As a nation, we have much more to do in the alcohol safety area. In the coming year. NHTSA will emphasize programs that increase both the perception and the reality that drunk driving will be detected and punished. States that have qualified for section 408 alcohol safety incentive grants, as a group, have made more progress in reducing the proportion of their intoxicated-driver fatalities than states that have not qualified for these funds. We plan to propose modifications to the rules implementing the section 408 program, which may result in additional states qualifying for the program. Based on past experience, it is clear that any additional states could be accommodated within the funding levels requested for the program.

We are also increasing our support for the comprehensive effort called TEAM--Techniques for Effective Alcohol Management. TEAM's goals are to develop sensible alcohol policies for sports events and enable arenas to act as role models for community actions against drunk driving. TEAM is an outstanding example--perhaps the most outstanding example--of public and private sector cooperation in the effort to combat drunk driving. It began two years ago as a project with seven teams from the National Basketball Association. Today, Major League Baseball and every major league ball park are active participants. For the coming year, we hope to enlist the cooperation of the National Football League and to concentrate on forming community coalitions, for it is through these local coalitions that lasting progress will be made.

Our resolve, Mr. Chairman, is to use every possible means to keep public attention focussed on the dangers of drunk driving. We must constantly develop new initiatives such as the TEAM program. To do otherwise is to fall back. We can't afford to let that happen.

Safety Belt Programs. The benefits of adult safety belt and child safety seat use are now widely appreciated throughout the nation. Thirty-two states and the District of Columbia have safety belt use laws. These laws, in conjunction with public education, have increased safety belt usage among drivers in our 19-city survey from 11 percent in 1982 to 42 percent in 1987. We estimate that increased belt use saved over 8,000 lives during the period of 1983 to 1987, and that approximately 2,450 of these lives -- over one-third -- were saved in 1987 alone.

Child passenger protection laws are in place in all 50 states and the District of Columbia and are saving hundreds of our children every year. When correctly used, child safety seats reduce the risk of fatality among children under five by about 70 percent and serious injury by about 67 percent. Although our surveys show that 82 per cent of children ride in safety seats, the effectiveness of the seats can be greatly reduced when they are not installed or used properly. To support the nationwide effort currently underway to raise the level of correct safety seat use, we are increasing our technical information and assistance to states to help them increase correct use as they enforce their laws. I want to mention, in addition, our ongoing collaboration with the National Academy of Pediatrics to help increase the correct use of seats, and our participation in the Safe Kids Are No Accident program, a national coalition of safety organizations led by Children's Hospital here in Washington.

We have devoted considerable effort to designing an occupant protection program that will help the states achieve their safety goals. Last year we asked the states to provide us with their one-year and three-year goals for safety belt use rates, together with their strategies for achieving those goals, so that we could identify the characteristics of successful programs. This year, we will ask the states to update these goals and strategies, so that we may better integrate our occupant protection activities into the states' programs. In addition, we are planning belt demonstration grants in order that the states might achieve a more effective implementation of their belt use laws.

We are also increasing the number of projects that inform the public about automatic crash protection. All of these projects focus on automatic belts and airbags and will be coordinated with state programs. During the coming year, we will stress demonstration projects involving dealerships. On the basis of several meetings with police and highway safety officials, we are refocussing our safety belt program for 1988 to concentrate on local programs, with special emphasis on youth, on rural areas, and on low socio-economic groups.

Speed Limit. I would like to turn now to the matter of the National Maximum Speed Limit. Shortly after the Department's testimony on the speed limit last March, Congress amended the speed limit law to permit speeds up to 65 mph on rural Interstates. Within a matter of days, a number of states raised the limits on these roads. Today, 40 states have posted most of the eligible portions of their rural Interstates at 65 mph. Of these, 15 are also participating in the newly authorized demonstration program which permits speed limits up to 65 mph on certain high quality non-Interstate highways. Although early data appeared to indicate that fatalities had increased on the portions of the rural

Interstates posted at 65 mph, the same data also seemed to show that fatalities had increased on rural roads in states that did not increase the speed limit.

To assess the safety impacts of raising the speed limit to 65 mph, the conference report on the Continuing Resolution for FY 1988 directed NHTSA to provide interim reports addressing the question whether, based on the best information available, raising the speed limit from 55 mph to 65 mph on rural Interstate highways has significantly contributed to an increase in the number or rate of crashes, injuries, and deaths. The reports are to include an assessment of any changes in the nature of traffic accidents due to the higher speed limit and an assessment of the relative truck safety impacts of dual versus uniform speed limits for cars and trucks.

I want to stress that it is too early to speculate on the full effect of the increased speed limits. To provide a comprehensive assessment will require the collection and analysis of data on crashes, injuries and fatalities on 65 mph roads and 55 mph roads, as well as data on the actual travel speeds and traffic volume on these roads. We will have to compare this data with the experience on the same roads at earlier points in time and with data from roads on which the speed limit has not been raised. I also want to stress that we will not complete our analysis on the full data for 1987 until this September. At that time we will submit a comprehensive report to the Committee. We are presently completing the first interim report required by the Continuing Resolution, and will be submitting that report shortly.

As we work on these reports, we are working to provide assistance to the states and the law enforcement community to improve enforcement of the posted speed limit on all roads. Among our many projects in this area, we are stressing:

- Speed limit workshops with state and local law enforcement officials to help these officials improve their speed enforcement activities, examine state-of-the-art enforcement practices, and develop new plans for strengthening enforcement programs.
- Projects to identify the data needed by the states to evaluate the effectiveness of speed enforcement programs.
- A project to provide technical data on available technology for speed enforcement, including an examination of the measurement equipment currently available and how to increase the effective use of this equipment.
- New materials, developed in-house and under contract, that show the safety risks involved in violating speed limits.
- New public information and education materials that would be directed at the state and local level on a cyclical basis to keep the issue of speed before the public.

These speed limit projects will augment the strategies the states and the law enforcement community have developed to improve enforcement of the posted speed limits on all roads.

In testimony before this Subcommittee last March, the Department recommended that Congress seriously consider abandoning the speed limit compliance and sanctioning process and return to the original speed limit law as codified in 1975. This would simply require governors to certify that no road has a posted speed limit above the maximum level imposed by Congress and that enforcement efforts are in place. States would once again be able to determine the level of speed monitoring and speed enforcement necessary without fear of financial sanctions. The

Department's recommendation is based on our confidence in the states' abilities to enforce their laws without detailed Federal oversight. We believe that our recommendation is consistent with the findings of the National Academy of Sciences, and with the more recent report of the General Accounting Office, which noted the absence of a link between the compliance program and safety.

Although we would prefer giving all authority for setting speed limits back to the states, in view of the latest action by Congress to maintain a National Maximum Speed Limit, the Department recommends revising the speed limit law to retain the states' annual certification that no public highway is posted at speeds in excess of the Federally mandated limits, and repealing the compliance criteria, the sanctions for noncompliance, and the Federally mandated monitoring and reporting requirements. We expect that the states would continue to monitor speeds for highway safety purposes, and we would strongly encourage them to do so. The Department is in the process of drafting legislation to accomplish this objective.

We believe this approach would partially restore the traditional and proper relationship between the Federal and state governments by allowing the states to determine the best use of scarce enforcement resources. The states are clearly in the best position to determine where speed enforcement is needed to enhance safety, and they should be able to deploy enforcement personnel accordingly, without the threat of losing Federal funds.

I want to emphasize our strong belief that continued attention should be given to speed as a highway safety problem. At the same time, however, we also believe that the continuation of the current speed limit compliance criteria is a major obstacle to a rational plan of speed control. The Federal statute, which requires states to monitor vehicles on highways posted at 55 mph but not on roads posted at either higher or lower speeds, determines compliance and funding sanctions based only on speed data from 55 mph roads. The flaws in this compliance formula, which were highlighted by the National Academy of Science in its 1984 report on the speed limit, have caused the states to divert their enforcement resources from roads with greater safety hazards to roads with greater speeds. We believe that any compliance formula would cause similar distortions, and have therefore concluded that the speed limit law should be returned to its original form.

Any change in the speed limit law requires congressional action. Unless and until the Congress acts, the Department will carry out all of the current provisions of the national maximum speed limit, including the enforcement proceedings and imposition of sanctions required by the statute's compliance requirement for highways posted at 55 mph. We look forward to working with Congress to move away from any compliance sanctions so that the Federal and state governments can work together to achieve a constructive approach on speed limit matters, just as we have in the efforts on drunk driving and safety belt use.

Before closing, I want to mention that we are moving ahead in the review of the highway safety priority areas which you directed us to make in last year's highway safety amendments. We are finding this to be a good way to make sure that our funding priorities are in line with the safety needs perceived by state and local officials. You should expect to see a new rulemaking notice on the priority areas very shortly.

This concludes my statement, Mr. Chairman. I will be happy to try to answer any questions you may have.

Mr. **Anderson**. Our next witness is Dr. David Dinges, Co-Director of the Unit For Experimental Psychiatry at the Institute of Pennsylvania Hospital, and Associate Professor of Psychiatry at the University of Pennsylvania School of Medicine.

Dr. Dinges, we do have your prepared statement. It will be made a matter of the record in its entirety. You may proceed.

TESTIMONY OF DAVID F. DINGES, PH.D., ON BEHALF OF THE ASSOCIATION OF PROFESSIONAL SLEEP SOCIETIES, ACCOMPANIED BY DALE P. DIRKS, WASHINGTON REPRESENTATIVE, APSS

Dr. **Dinges**. Thank you, Mr. Chairman, and members of the Subcommittee on Surface Transportation.

I'm pleased to appear before you today to discuss issues related to highway safety. The issues I raise do not directly involve the effects of alcohol, which have been articulated this morning, but they do deal with a significant component of driving safety that is perhaps even more pervasive than alcohol consumption.

I'm here on behalf on the Association of Professional Societies which is comprised of the Sleep Research Society, the Clinical Sleep Society, the Association of Polysomnographic Technicians, and the American Sleep Disorder Association.

Today, nearly 2,000 of my colleagues, physicians, and scientists are clinically practicing or conducting research on sleep, sleepiness, and sleep disorders. Now, more than ever before, the quality of sleep and its relationship to our waking life is being considered a significant factor in health and safety.

The importance of fatigue and sleep-related accidents and catastrophes has become a national issue. When optimum human performance is required in an industry, such as over-the-road trucking, the factors that affect human performance must be given careful consideration.

On any given day in this country, literally millions of Americans are attempting to operate a motor vehicle while impaired as a result of fatigue. Some are involuntarily sleepy because of an undiagnosed sleep disorder. It is estimated that perhaps twenty million Americans suffer from such conditions. Others experience the lethargy and fatigue associated with disturbed sleep/wake cycles, of the kind that can be produced by shift work or night-time driving. Many suffer from a cumulative sleep debt due to a chronic pattern of trying to get by day after day with an hour or two less sleep than is required to keep one optimally alert for distance driving.

Sleep-related inattention is an insidious, silent killer on our roadways. It remains silent because people are often unaware of how poor or inadequate sleep affects them, or that they even have a sleep problem. Most of us think we can function well because we seem to do okay on the job. But if the job involves driving, especially for sustained periods of time, we increase our risk of accident many fold, because driving contains the work elements that are most difficult for the sleepy brain to perform.

It's a national problem, as I've said. This was dramatically demonstrated to me when I participated last May in an Office of Technology Assessment workshop on human factors in the truck carrier safety industry. You may recall, Mr. Chairman, that this conference was held at the prompting of you and your full committee chairman, Mr. Howard.

The participants of this OTA workshop were some of the most highly respected individuals in the trucking industry, labor, insurance, manufacturers, Federal agencies and academia. These highly informed people are dedicated to trucking safety, but even they were unaware of some of the silent factors that cause fatigue, of the circumstances in which a driver is most vulnerable to it, of how it actually affects driving ability, and of the additional risks it imposes on the driver and other motorists. Yet fatigue has consistently been implicated as among the most significant factors in truck accidents. For example, in 1986 the Insurance Institute for Highway Safety blamed driver fatigue for 41 percent of heavy truck accidents. NTSB says that it's a significant factor in at least 30 percent of truck accidents.

Trucks comprise 10 percent of all the vehicles on the road, yet they're involved in 40 percent of the accidents, a large proportion of which are preventable. There is little doubt that the increased number of trucks on the road, the pressure to deliver on time, and the push toward driving extra miles to earn extra income have resulted in increasing numbers of drivers operating vehicles when they are seriously impaired from sleepiness and fatigue.

Unfortunately, most of the reinforcements for drivers encourage shortening sleep time in favor of driving time, or driving at times when sleepiness is paramount, or taking drugs in the mistaken notion that they can overcome sleepiness or continuing to drive despite a sleep impairment that has left them inattentive. Many believe they can "tough it out." That is a widespread view in American society, but research has shown that no amount of mental or physical toughness can prevent sleepiness or its effects on our ability to operate a vehicle.

The sleepy brain will repeatedly lapse into sleep for seconds at a time, without either our consent or awareness of this, especially when we are driving on long thoroughfares or highways. In such situations, if you will, brain failure, much more so than brake failure is likely to result in an accident. We believe that this is one reason why driver inattention, as a broad category for cause of accident, has been so consistently implicated, particularly in truck accidents.

Single vehicle accidents are a particularly telling piece of information in this regard, because they cannot be attributed to some other vehicle or the actions of a second driver. In California, in 1984, there were approximately 4,500 fatalities, 45 percent of which involved single vehicles.

This chart shows the time of day that those accidents occur across a 24 hour day. The peak in those accidents occurs during the times—it's a summary of 6,000 single vehicle accidents—that a staggering amount of research done by scientists indicates that our brain is naturally sleepy. It is especially important to note that this pattern of greater risk, at times of sleepiness, is also seen in traffic fatality data for both multiple and single vehicle accidents with and without alcohol involved.

A recent study of accidents in the State of Washington found that among the most serious 130 accidents involving transportation of hazardous materials by trucks, 69 percent occurred between 6:00 a.m. and 9:00 a.m. under good driving conditions on a straight road. The study concluded that driver inattention appeared to play a greater role in such accidents than did poor driving conditions or difficult maneuvers.

These and other related pertinent information on the consequences of sleep related processes in health and transportation are reviewed in a recent report entitled Catastrophes, Sleep, and Public Policy: A Consensus Report, by a committee of the Association of Professional Sleep Societies. I've brought copies of that report with me for your review, and I'd like to request that it be inserted in the hearing record.

Mr. ANDERSON. Without objection.

[The report follows:]

SLEEP, 11(1), 1988 (in press)

Catastrophes, Sleep, and Public Policy: Consensus Report *

Chairman:
Merrill M. Mitler

Committee Members:
Mary A. Carskadon, Charles A. Czeisler, William C. Dement
David F. Dinges, and R. Curtis Graeber

* **Developed** by the Association of Professional Sleep Societies' Committee on Catastrophes, Sleep and Public Policy. Address correspondence and reprint requests to Merrill M. Mitler, Ph.D.; Scripps Clinic and Research Foundation; 10666 North Torrey Pines Road; La Jolla, CA 92037-1093; USA.

INTRODUCTION

Following the 1986 annual meeting of the Association of Professional Sleep Societies (Columbus Ohio, June 15-22, 1986), a committee of scientists was formed to review recent reports and related information on the role of human sleep and brain clocks (time-of-day variation in physiology and alertness) in the occurrence of medical and human error catastrophes. This is a report of the committee's findings and recommendations.

The committee evaluated scientific and technical reports on the distribution throughout the 24-hour day of medical incidents (such as heart attack and stroke) and performance failures (such as vehicular accidents and human errors in industrial and technical operations that can affect public safety). We found that these events occur most often at times of day coincident with the temporal pattern of brain processes associated with sleep. It thus appears that the occurrence of a wide range of catastrophic phenomena are influenced by sleep-related processes in ways heretofore not fully appreciated.

The committee recognizes that there are now some efforts to assess the influence of sleep-related processes on performance in key sectors of our society. For example, the U.S. Military is participating in The NATO Seminar entitled, "Sleep And Its Applications for the Military" (Lyon, France, March 16-17, 1987). An obvious and major concern in connection with military applications is the possibility of human error in performance or judgment when dealing round-the-clock with allied and adversarial personnel and weapons systems located in many time zones all over the earth.

The committee recommends an increase in the number and scope of such exercises to develop awareness in both the public and private sectors of the vulnerability of humans to suffer catastrophes as a function of these processes. We also recommend the development of policies within appropriate government agencies to facilitate the study of these processes, the application of measurements to identify sleep-related risks in the workplace, and the adoption of countermeasures to minimize their detrimental influence on human welfare and public safety.

FINDINGS

Sleep. In the past 15 years, the growth of research on sleep and the biological clocks that control it has led to significant discoveries about the many ways in which these processes influence human health and functioning.[1-3] These influences often occur without our awareness of them and affect us more profoundly than we realize. Research on the psychophysiology, neurophysiology, endocrinology, and behavioral aspects of disturbed and inappropriately timed sleep have led to a better understanding of the consequences of sleep disorders, improper sleep schedules, shiftwork, and daytime sleepiness.

One major discovery has been that the neural processes controlling alertness and sleep produce an increased sleep tendency and diminished capacity to function during certain early morning hours (circa 2 AM to 7 AM) and to a lesser degree, during a period in the midafternoon (circa 2 PM to 5 PM), whether or not we have slept. Figure 1 is taken from the report of Carskadon[4] that summarized the number of unintentional sleep episodes observed by Carskadon and her colleagues[5,6] as a function of time of day. The pattern of increasing then decreasing sleepiness from noon to 8 PM has been widely replicated in clinical studies on controls and patients with sleep disorders using the Multiple Sleep Latency Test[7] and the Maintenance of Wakefulness Test.[8]

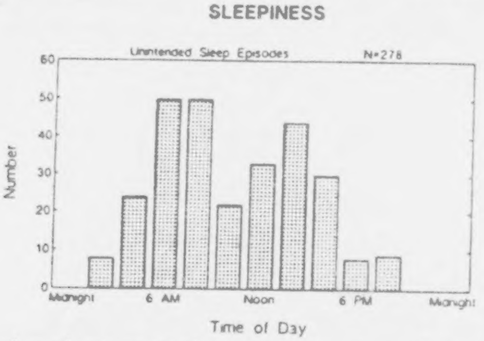

Figure 1. The number of unintentional sleep episodes observed at various times of day in the studies of Carskadon et al.[4-6] The pattern from noon to 8 PM has been widely replicated in studies using the Multiple Sleep Latency Test[7] and the Maintenance of Wakefulness Test.[8]

Other aspects of sleep, such as the stages of sleep obtained at different times of day[9-11] and the frequency of naps,[12] also reveal a pattern for greater sleep pressure within the brain during these two time spans.

Superimposed on the normal, two-peak pattern of sleep vulnerability are the effects of two separate but interacting factors: (1) sleep deprivation, such as that occurring during accommodation to an unusual work schedule;[13] and (2) sleep disruption, such as that resulting from a sleep disorder.[14] The effects of such sleep loss are cumulative. Thus, the danger of an error due to sudden overwhelming sleepiness increases progressively with continued sleep loss or "sleep debt". Most individuals cope with significant sleep debt by physical activity and dietary stimulants. Coping mechanisms can temporarily make an individual completely unaware of a dangerous accumulated sleep loss. But when defenses are "let down", such as during a period requiring immobility, overwhelming sleepiness ensues. Such unawareness may account for seemingly incomprehensible instances in which individuals have permitted themselves to sleep in circumstances that cause great hazard for themselves and others. Thus, the more sleep is disturbed or reduced, for whatever reason, the more likely an individual will inadvertently slip into sleep. There is laboratory evidence to suggest that even brief episodes of sleep, called "microsleeps", produce inattention, forgetfulness, and performance lapses, particularly during the two zones of vulnerability within the 24-hour cycle.[15]

The committee assessed the potential medical, industrial, and environmental significance of this physiologically based two-peak rhythm in human sleep tendency by evaluating the extent to which it is reflected in field studies documenting the temporal distribution of medical incidents, human error, and accidents. The primary rationale for making this assessment is the potentially catastrophic impact that time-dependent drops in human efficiency could have on a world that operates increasingly around-the-clock and where man-made accidents can endanger large segments of the population and the environment.

Mortality. Although it has been known for some time that spontaneous labor and birth are most likely to occur in the middle of the night (i.e., midnight to 6 AM), death has now also been shown to occur most often near the sleepiness zone. A major peak of deaths occurs between 4 AM and 6 AM, and a smaller peak occurs between 2 PM and 4 PM. Figure 2 presents a composite temporal distribution of human mortality based upon 50 studies and a total of more than 437,000 deaths due to all causes.[16,17]

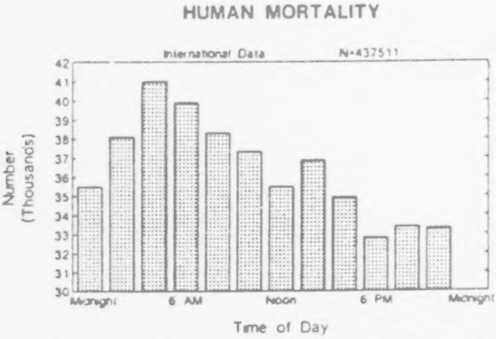

Figure 2. Number of human deaths per 2-hour interval in the 437,511 deaths analysed by Smolensky et al.[16] and Mitler et al.[17]

Heart Attacks. Very recent work[18-21] assessing the timing of myocardial infarctions also reveals that the likelihood of suffering a heart attack varies significantly across time-of-day, with a peak between 6 AM and 10 AM. Figure 3 displays the temporal distributions of the 4,666 cardiac deaths evaluated by Mitler et al.[19] and Muller et al.[21] as a function of time of day. Although reflecting the same bimodal pattern throughout the 24 hour day as the sleep tendency and mortality data, these myocardial infarct peaks are shifted to a somewhat later time than those in the previous figures. The reasons for this shift are not clear. If sleep or sleep-related factors (e.g. prolonged immobility and horizontal position) do play a role in the increased incidence of infarcts at these times, their effect is pronounced soon after the usual sleep period of our population. Some of the time-shift in the morning peak may stem from the fact that many people with heart disease adopt the practice of sleeping later in the morning. In any case, there is a clear one or two hour phase delay in peak incidence of death due to infarct with respect to peak sleep tendency.

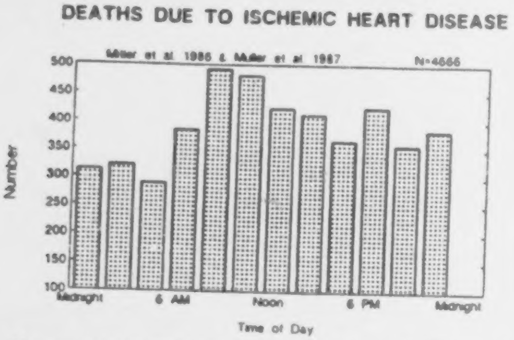

Figure 3. Number of human deaths attributed to ischemic heart disease per 2-hour interval from the data of Mitler et al.[17] and Muller et al.[21]

The committee considered alternative explanations for the two-peak pattern, such as "discovery artifact" (i.e., the hypothesis that the peaks in heart attacks, and perhaps mortality as well, are due to greater chance of discovery after nearby survivors get up in the morning or come home from work in the afternoon). However, the same two-peak pattern has been observed in physiological monitoring studies of cardiac abnormalities that would not be subject to discovery artifact.[22] Clearly the shape of the temporal distribution in heart attacks is nonrandom and similar to that found for mortality and human sleep-related functions. This pattern suggests that pathophysiological factors producing such a function may be related to the rhythmic processes underlying sleep and its timing.

Vehicular Accidents. A number of evaluations have been conducted on vehicular accidents throughout the 24-hour day. Many factors can contribute to accidents including road conditions, traffic congestion, and speed limits. Also, the total number of automobile and truck accidents is generally greater during daytime (circa 10 AM to 6 PM) than at other times because of increased vehicle traffic during this time.[23-25] Of special interest to the committee, however, was the temporal distribution of single-vehicle accidents (e.g., driving off the road), because we suspect that these accidents have a greater probability of being related to inadvertent lapses in driver attention.

Studies of single-vehicle automobile accidents[23-25] reveal a bimodal temporal pattern. Figure 4 presents a composite temporal distribution of over 6,000 single-vehicle traffic accidents attributed to "falling asleep at the wheel" taken from studies in Israel,[23] Texas,[24] and New York.[25] The major peak occurs between midnight and 7 AM and is especially pronounced between 1 AM and 4 AM, while a small secondary peak is visible between 1 PM and 4 PM. When the incidence among various age groups is examined, this secondary peak becomes more pronounced in drivers over 45 years of age.[24]

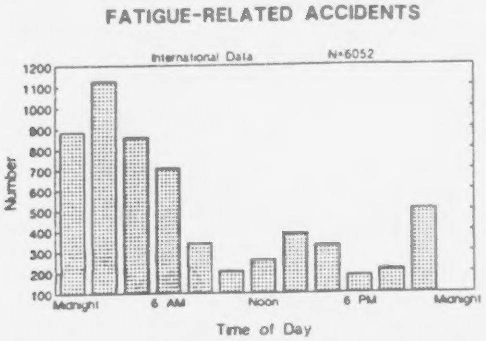

Figure 4. Temporal distribution of 6,052 vehicular accidents that were judged by investigators to be fatigue-related displayed as a function of time of day. The figure combines the samples of Lavie et al.[23] (Israel: N=390), Langlois et al.[24] (Texas: N=4,994) and Duff[25] (New York: N=668).

All other vehicle accident data available to the committee appeared to be consistent with the temporal distribution depicted in Figure 4. Data on the time of day that German automobile drivers reported 569 instances of drowsiness while at the wheel also show peaks at these two times.[26] An investigation of 742 public bus accidents between 5:30 AM and 12:30 AM in the Netherlands revealed the highest incidences of accidents occurred for drivers who began work early, between 5 AM and 6 AM, with the next highest for those who began work between 1 PM and 2PM.[27,28]

The committee also evaluated data on the temporal distribution of single-vehicle truck accidents.[29,30] A U.S. study of 493 such accidents revealed that the peak time of occurrence was between 1 AM and 7 AM.[29] A recent extensive study of over 13,700 truck accidents in the State of Washington (both single and multi-vehicle) focused specifically on accidents involving transportation of hazardous materials.[30] Although truck accidents in general were more likely to occur during the middle of the work day, the 130 serious accidents involving hazardous materials had a mode of occurrence between 6 AM and 9 AM and usually happened under good driving conditions on a straight road. The report concluded that driver inattention and carelessness appeared to play a greater role in truck accidents involving hazardous materials than did poor driving conditions or difficult maneuvers. It is not unreasonable to suggest that, given the similarity of the temporal pattern of vehicular accidents to the temporal pattern underlying sleep-related processes, the inattentiveness and carelessness that contributes significantly to the former has its basis in the latter.

Finally, a related study examined the temporal distribution throughout the day of over 2,200 automatically induced emergency braking incidents, caused by errors of response omission made by locomotive drivers of the German Federal Railways. Although no accidents were involved, the data revealed two peaks -- one between 3 AM and 6 AM and a second between 1 PM and 3 PM.[31]

Performance Errors. The committee also evaluated field studies reporting the temporal distribution of human errors other than those involving vehicular operation. The most extensive study conducted to date was carried out in a Swedish gas works and assessed the 24-hour distribution of 75,000 meter-reading errors during a 20-year period.[32] Figure 5 shows the familiar two-peak pattern of these errors: there is a major peak between 2 AM and 4 AM and a minor peak between 2 PM and 4 PM. Other studies of human performance, errors, and accidents in work settings also reflect this bimodal pattern.[33-36]

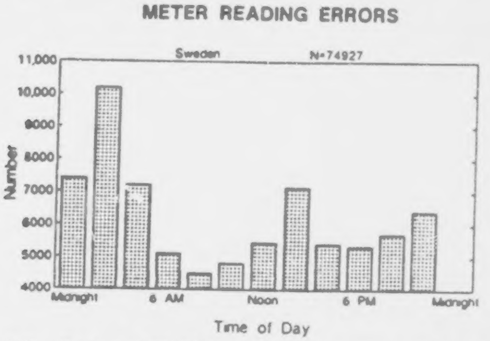

Figure 5. Temporal distribution of 75,000 meter-reading errors plotted in the same 2-hour format as Figures 1-4. Data are taken from Bjener et al.[32]

Industrial and Engineering Disasters. Unfortunately, little data have been systematically gathered on the temporal distribution of major industrial and engineering accidents, particularly those that threaten public health and safety. As an alternative approach, the committee examined available information on the timing and nature of one of the most serious recent incidents in the commercial nuclear power industry and of the NASA Space Shuttle program.

The most serious U.S. incident in a commercial nuclear power plant occurred at 4 AM on March 28, 1979, at the Three Mile Island plant unit 2 reactor in Pennsylvania.[37] Between the hours of 4 AM and 6 AM shiftworkers failed to recognize the loss of core coolant water resulting from a stuck valve. Although a mechanical problem precipitated the incident, it was chiefly this human error of omission and the subsequent flawed corrective action that caused the near meltdown of the reactor later that morning.

More recently, there have been two other serious incidents in the U.S. nuclear power industry that involved human errors committed during the early morning hours. On June 9, 1985, the Davis-Besse reactor at Oak Harbor, Ohio, went into automatic shutdown followed by a total loss of the main feedwater at 1:35 AM. The incident became even more critical when an operator then pushed the wrong two buttons in the control room, thereby defeating the safety function of the auxiliary feedwater system.[38] The subsequent combination of equipment malfunctions and human errors made the situation dangerous, but corrective action eventually stabilized the reactor. On December 26, 1985, the Rancho Seco nuclear reactor near Sacramento, California automatically tripped after DC power to the integrated control system was lost at 4:14 AM. For a variety of reasons, including equipment design flaws, inadequate training and human errors of omission and commission, operators were slow to regain control of the plant.[39] Perhaps most disturbing is the fact that the nuclear plant catastrophe at Chernobyl is officially acknowledged to have begun at 1:23 AM as the result of human error.[40-41] The limited amount of information currently available about the human factors component of this accident, however, makes it difficult to draw any firm conclusions about the contribution of sleep-related errors in performance or judgment.

In contrast, the recent Report of the Presidential Commission on the Space Shuttle Challenger Accident did cite the contribution of human error and poor judgement related to sleep loss and shiftwork during the early morning hours.[42] In describing the substantial sleep loss experienced by senior managers at Marshall Space Flight Center before the January 27, 1986 evening teleconference with Morton-Thiokol, the report stated that the decision to launch "should have been based on engineering judgments. However, other factors may have impeded or prevented effective communication and exchange of information (p. G-5)." The effect on managers of irregular working hours and insufficient sleep "may have contributed significantly to the atmosphere of the teleconference at Marshall (p. G-5)." Certain key managers had obtained less than two hours sleep the night before and had been on duty since 1:00 AM that morning. The report noted that "time pressure, particularly that caused by launch scrubs and turnarounds, increased the potential for sleep loss and judgment errors" and that working "excessive hours, while admirable, raises serious questions when it jeopardizes job performance, particularly when critical management decisions are at stake (p. G-5)."

A more typical early morning shiftwork error was also cited by the Commission in its reporting of a previous near-catastrophic launch of the Shuttle Columbia on January 6, 1986. Console operators at Kennedy Space Center inadvertently drained 18,000 pounds of liquid oxygen from the Shuttle External Tank within five minutes before scheduled launch. The liquid oxygen loss went undetected until after the mission was cancelled only 31 seconds before lift off due to a secondary effect on the engine inlet temperature. Operator fatigue was reported "as one of the major factors contributing to this incident (p. G-1)." The operators had been on duty for eleven hours. It was their third day of working on a 12-hour night shift. As is often the case in industrial accidents, the contribution of human error was precipitated by an unusual mechanical or control system malfunction. In this case, such a malfunction occurred during the final tanking procedure. The Commission concluded: "An evaluation by NASA of the consequences of work schedules should be conducted as part of its effort to reform its launch and operational procedures (p. G-1)."

CONCLUSIONS AND RECOMMENDATIONS

It cannot be proved that the human responses and errors occurring in all or most of these incidents and accidents resulted from lowered alertness, inattention, or delayed reaction due to active, sleep-related processes. Yet, it appears to be more than coincidental that the serious accidents were made worse by inadequate human response at a time when other data reflects a diminished capacity to function effectively despite one's belief and best intentions. In the public and governmental debates that followed some of the most serious incidents, such as the Three Mile Island, Chernobyl, and Challenger disasters, the emphasis has consistently been placed on the extent to which technological failures and high-level policy decisions contributed to the catastrophes. While these factors are important, they do not abrogate the responsibility to attend to the less obvious factors affecting individual participants who often are judged post-hoc to have contributed significantly to the accident through human error. The consistent temporal pattern of physiological events and performance-related incidents found by the committee suggests that such critical human errors have a basis in the brain mechanisms that control sleep and many other oscillatory processes underlying human physiology, behavior and judgment. Sleep and sleep-related factors appear to be involved in widely disparate types of disasters.

The committee makes the following recommendations:

1. The period from 1 AM to approximately 8 AM constitutes a time span in the 24-hour day when human medical and performance catastrophes are far more likely to occur. A secondary and less pronounced zone of vulnerability also occurs in the afternoon from 2 PM to roughly 6 PM. Policy and regulatory agencies in both the public and private sectors should be more aware of the losses society has sustained as a function of diminished capacity during these zones of vulnerability.

Increased awareness of these issues, including the fact that they affect all humans, will help prevent some of the more serious consequences of accidents and errors during these periods. The committee urges policy makers in the fields of organized labor, management, and government to consider relevant aspects of sleep physiology that affect performance.

2. Medical catastrophes, such as myocardial infarction and strokes, are more likely to occur at certain times of the day than at other times. Factors associated with increased risk of medical problems and mortality in the morning after a night's sleep should be further elucidated to more efficiently direct health care resources toward identifiying patient populations at risk for such catastrophes and preventing unnecessary morbidity and mortality.

3. Programs should be developed to identify the signs of sleep-related error in vehicle operation and while on the job, particularly in industries that have a responsibility to minimize accident and error for the sake of public health and safety (e.g., transportation of hazardous materials, nuclear plants).

4. The committee recognizes that inadequate sleep, even as little as one or two hours less than usual sleep, can greatly exaggerate the tendency for error during the time zones of vulnerability. Moreover, sleep loss combined with a period of stress, such as is faced by working groups before production deadlines or launch deadlines, can lead to personality change and irrational behavior. The committee therefore recommends that industries and services affecting public safety should address the physiological needs of the workers and the safety requirements of society at large. Management should also limit active duty hours for all personnel to assure that adequate time for sleep is obtained between successive periods on duty. These limitations should apply to white-collar and/or decision-making personnel, as well as equipment operators. Such steps must also be coupled with educational programs for workers to foster the physiologically sound use of scheduled rest time.

5. Attention should be given to the identification of the least adaptive shiftwork schedules and to the implementation of schedules that promote health and safety at minimal expense. The schedules of decision makers and the workload of key personnel should minimize the influence of biological sleep tendencies that increase the likelihood of human error.

6. Laboratory and field research is needed to determine the processes that produce the bimodal temporal pattern in so many facets of human function. Identification of the mechanisms involved will facilitate efforts toward developing effective countermeasures to minimize the often catastrophic consequences of sleep-related brain processes. Such countermeasures will be essential if society is to continue its relentless push to around-the-clock operations in all aspects of life both on the planet and as we broach the frontiers of space.

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Dr. DINGES. Mr. Chairman, my colleagues and I are deeply concerned by the number of surface transportation-related accidents and fatalities each year. Far too many of these are due to people driving impaired by sleepiness and fatigue. The problem is especially dangerous in the transportation area because motor vehicle operation appears to be quickly degraded when we are sleepy. Moreover, there is evidence that often we cannot accurately judge how fatigued we really are until it's too late.

The community of sleep disorders physicians and sleep scientists are heartened by the fact that the effects of fatigue and inadequate sleep are now beginning to be considered when experts determine the causes of accidents and mishaps in our Nation's transportation system.

We wish to make it clear that our association is not advocating specific prohibitions on those who enjoy driving casually or those who work hard to earn their living on our Nation's roadways. Yet there is no clear indication that there is a serious concern about the effects of sleepiness and fatigue on surface transportation within relevant Federal agencies such as the Department of Transportation. More solid data and information are sorely needed to assess the role of sleep factors in their prevention in transportation safety. A major advance would involve explicitly recommending that the relevant Federal agencies gather data and perform research in these areas while relying on the expertise of scientists and physicians knowledgeable in sleep and human functioning.

A statement by this subcommittee recommending that these issues be addressed by the DOT would insure that, as a Nation on the move, we are more aware and better able to face the challenges in transportation safety that confront us daily.

Mr. Chairman, thank you for the opportunity to present this statement. I am very pleased to respond to any questions you may have.

Mr. ROWLAND. Thank you very much, Dr. Dinges. I do appreciate your testimony and your being here today. I suppose you heard the concern that I expressed earlier about trucks. Specifically, you cite that there's a finding that 41 percent of heavy truck accidents can be blamed on driving fatigue. Have you any explanation for this alarmingly high number? Let me ask you also, if a person is sleepy or fatigued, do they tend to drive faster or slower?

Dr. DINGES. Very good questions. I wish I had the data to answer the second one. Let me just begin with that one.

It is my firm belief, having studied human behavior extensively when individuals are sleepy, that there would be a tendency to drive faster. But the reality is, we simply haven't gathered the kind of data needed to know what kinds of carelessness occurs behind the wheel when an individual is sleepy. I believe, in fact, that people would drive faster and that would at least be my hypothesis.

Your first question—which pertains to why 41 percent of truck accidents may involve fatigue or sleepiness—it is, in part, because we have a very simple-minded notion of fatigue. Most people, even people who are in Federal agencies involved in transportation, are unaware that there are sleep disorders. Millions of Americans, for example, Mr. Chairman, suffer from sleep apnea syndrome, which is where you cease to breath properly when you sleep. You have no awareness of it the next day, and the major symptom is excessive daytime sleepiness. It is particularly prominent in middle-aged over weight males. I submit to you that that's the population that drives trucks in this country. That would be one example. Another example is, we have simple linear models of fatigue. We think that if you're on the job 10 hours versus 8 hours that you'll be more tired after 10 hours than 8 hours, but that's not the point. The point is the time of day that you drive, how much sleep you got the night before, and other factors that come together when you are sleepy and on the road, for example, alcohol.

There's no doubt that alcohol is a significant factor in highway safety. How much alcohol is being consumed by truck drivers remains to be fully determined. Although, the OTA report—which I have just received a draft of because I was a participant in that, and which this committee obviously will be getting—suggests that the alcohol use may be higher in truck drivers than is typically reported. But a sleepy individual who also takes alcohol is, I would say, doubling, tripling, or quadrupling his chance of an accident through carelessness on the roadway. That may mean we need to do some studies determining whether a single beer in a sleepy person or someone who has a sleep disorder or someone who hasn't slept adequately may be like having two martinis.

Mr. ROWLAND. You've followed this relatively closely. Do you have any information at this time as to whether or not there has been any decrease in the number of accidents with trucks during the past year than preceding the past year since this legislation was passed in 1986?

Dr. DINGES. I have no information myself, Mr. Chairman. On the other hand, I believe you will find in the OTA report that this subcommittee receives, that there is, in fact, some information bearing on that. It looks as though truck accidents are going up and have been going up steadily since 1981 and jumped considerably in the last year.

Mr. ROWLAND. In 1986?

Dr. DINGES. Again, I would have to allow the report to speak for itself in this area.

Mr. ROWLAND. Let's go to something else.

Single vehicles, you point to the number of single vehicle accidents as a good indicator of the fact that driver fatigue is contributing to safety problems on the highway. Do you have some specific recommendations to make about commercial motor vehicle operators and sleep needs?

Dr. DINGES. I do, Mr. Chairman, and the first one—and this is the one that many people are concerned about—deals with the whole issue of hours of work and Federal regulation of that. I would submit to you that the people I represent would urge this subcommittee to begin the process of looking into that again.

There was very good data collected in the 1970's that made it unequivocal—this was by the Bureau of Motor Carrier Safety—that that whole issue needed to be reopened. For reasons I don't understand, that was somehow put aside around 1981 and has never been addressed again. But it's quite clear that hours of service are a significant issue. Public education, though, would go a very long way. Just the United States Federal Regulatory Agency saying to trucking companies and to independent drivers, we care about this and we want you to be aware of this would help. We want to know what kinds of programs you're instituting to do something about it, to identify drivers who are particularly susceptible to sleepiness, to put some sort of internal check or control on the hours that you're having drivers operate a vehicle, would go a long way, certainly, towards helping. But also, just simply gathering more data.

DOT, we feel, has to make some level of commitment toward trying to understand how much this is involved. It is problematic. Let's be clear that if someone crashes a truck and kills himself, or herself, you can still in a short period of time, determine the blood-alcohol level in the individual. You can certainly check the brakes and other things on the truck. It's very difficult, though, to check for fatigue.

How do you know that someone was fatigued? That difficulty is part of the reason why agencies don't want to hear anything about this. Yet they know, consistently, it comes up as a major factor because there's no other way to account for large numbers of accidents on the road. Drivers themselves, when you talk to them, will brag or boast of extraordinarily long bouts behind the wheel with almost no sleep, and how they toughed it out and made from one place to the other. What they didn't tell you, was how many people they scared to death enroute while they were getting from A to B.

Mr. ROWLAND. I'm sure it must vary from person to person, the number of hours you'd expect a driver to work before sleep is needed, but do you have some ballpark figure about how many hours——

Dr. DINGES. It seems to me, and this is based both on our experience in clinics and laboratories and what we've seen in data gathered in the field in this country and European data, that it is simply not prudent to have a driver on the road for more than 10 hours a day. In fact, I think many of my colleagues—and I would defer to a consensus on this—feel that eight hours a day is a more reasonable figure.

The real problem, though, is that many companies do not count the time the driver is expected to load or unload the truck, or stand around on standby waiting to take a load as time on the job. But if a driver has been awake for 16 hours, 6 or 8 of which have been standing around waiting to unload or load the truck, in fact, it's possible that he will get a minimal amount of sleep and be impaired the next morning.

It's also true that time of day matters. Let's say you have a tanker loaded with gasoline, and you're going to go through a metropolitan area in the day. You want to make sure that you avoid rush hour. So you get up at 4:00 in the morning and start driving that vehicle, where there's little doubt—from what we know from circadian physiology—you are driving at an extremely dangerous time in terms of your brain's alertness level. It's highly likely you'll have an accident in the first few hours, and indeed, there is a peak in accidents in the first few hours for drivers who get up early in the morning.

Mr. ROWLAND. A question right now. You mentioned public education a few moments ago, about the educating of the public about fatigue. How would you suggest that we go about doing this, educating people or private motorists or commercial vehicle operators about the risks they face when they become sleepy at the wheel? Just how would you do that?

Dr. DINGES. Well, I'm not an expert in the area of how one can most effectively communicate to people a given message on safety, but there are people who know how to do that within DOT and other agencies. I defer to their expertise. But certainly some sort of a public awareness campaign that how much you sleep, how well you sleep, and whether you have a sleep disorder can greatly affect your operation of a motor vehicle down the road—particularly a 25-ton motor vehicle—is something that is reasonable to expect from Federal agencies, given that we now know that there's just a tremendous number of people operating these vehicles with minimal sleep or with sleep disorders.

Mr. ROWLAND. Dr. Packard.

Mr. PACKARD. Thank you, Mr. Chairman.

Have there been any studies—by you or others—regarding distractions, not just fatigue, but other distractions? You mentioned that alcohol may induce sleep or fatigue. But stereo music, smoking, pets in the car, drugs, there's a variety of distractions that could be perhaps lumped into the whole idea of drowsiness or sleep or distractions or fatigue. So, I was wondering if there are studies in other areas that could be categorized in the same general category?

Dr. DINGES. There is a staggering dearth of information on this whole area of the interaction between the sleepy individual and the context of the cab of operating a motor vehicle. Your question pertains to a couple of things, not just distractions. But on the positive side, could we develop counter measures in the cab that would help a driver or warn a driver when he has ceased to be sufficiently attentive to the road or to his speed or to his deviation across a line in the road. Those technologies are increasingly available, but getting them integrated into the cab and gathering the kind of data we need to know as to what kinds of things help or hinder a driver is very difficult.

We do know this. When you are sleepy and you are seated in a nice cushy chair and you are listening to music, the odds of you falling to sleep very rapidly go up very quickly. In fact, the cushier it is, the quicker you will fall asleep or lapse off or become inattentive. So the irony here is that as cabs get more and more comfortable we may be indeed be unmasking or inviting sleepiness to become a more significant problem in the cab. That's why we believe that detection of it and knowledge of it ahead of time—so you prevent it to some extent—is a significant way of dealing with it.

Mr. PACKARD. In your testimony you certainly identify the problem, as the chairman asked, but perhaps not some recommendations. Do you have in mind recommendations? For example, the drivers of common carriers, buses, and so forth are not allowed to drive, by law, beyond a certain length of time without some kind of relief. Are you looking at something that could be imposed? And then, how would you monitor it, and how would you enforce it?

Dr. DINGES. Mr. Packard, the APSS, the Association of Professional Sleep Societies would be very positive towards entertaining the consideration of us working out the kinds of hours of work, rules, and ways they might be enforced, even some of the public information or awareness campaigns and submitting it to this subcommittee for consideration or to any other group who might want it if that were something of interest. We felt it was somewhat premature to come in with strong recommendations in that regard. We recognize that there are many factors that go into the trucking industry, in particular, and its economic survival, not the least of which is strong economic incentives for drivers, particularly independents, to drive beyond a reasonable number of hours in the week to make payments on their rigs and to earn profit.

We feel that while we can give a set of recommendations that are correct, in terms of sleep disorders, they have to be integrated in the overall view of the industry. We're not out to destroy the trucking industry or to harm it irreparably or to put people out of business. We do, however, feel strongly that there has to be something done to begin dealing with the issue of driver fatigue and sleepiness. We'd be delighted to participate in that.

Mr. **Packard**. Among those now, you've mentioned that automobile manufacturers have gone out of their way to make travel in an automobile very comfortable and cushy, and they have. That's been the direction they've moved, to make things more comfortable, more convenient, even to the reclining of seats and a variety of other things. In jet fighters and in buses and trains and so forth, the driver sits in a cockpit that is anything but cushy. Would that be one of your recommendations, that we look at the design of automobiles, at least in the driver section, to maybe redesign for alertness. Is that being considered?

Dr. **Dinges**. I think it would be. It's further down the line than some of the priorities we would give initially. But it's certainly true that looking at ways in which you could use relatively inexpensive built-in electronic systems to help the driver monitor how he's doing might be advantageous.

Now, what kinds of things would—truck drivers are very sensitive to this issue. They don't want to be monitored because it gets into the enforcement area. It gets into how many hours have you been on the road and this sort of thing. That's why it would probably be lower in the priority list, because it evokes a great deal of affect. But it is certainly true that we have the resident technology now to be able to begin to help in these areas. Similarly, a highway patrolman could conceivably have a device that allows him to test—that's highly validated against sleep studies in laboratories and sleep disorders—whether he's got a driver who may be impaired.

Mr. **Packard**. That would be interesting. I know when you're pulled over by a highway patrolman you're quickly alert.

Dr. **Dinges**. You certainly are.

Mr. **Packard**. The test may be skewed a little bit.

Mr. **Rowland**. Let me raise a point, open a door that might be a little bit controversial when we look into this room. It was raised by Dr. Packard over here. Fatigue, sleepiness, possibly related to monotony. I've had people to tell me that driving down an interstate, where there are no billboards, nothing but trees, it gets very monotonous and they get sleepy and fatigued. The billboards there are somewhat distracting and might do something to lessen that feeling. Do you have any thoughts on that?

Dr. **Dinges**. Not only thoughts, I have some very good data, Mr. Chairman, on what you're talking about. When you talk about monotony or the role of the environment in this whole area, it involves issues that a sleep physiologist refers to—habituation. How rapidly do you cease to attend to something out there because it no longer has any inherent interest to you in it? And not only cease to attend involuntarily, but even when you're trying to attend you sort of don't see it anymore. It goes away and you're driven then into a state of dearousal or sleepiness. In fact, that's precisely what happens when you are inherently sleepy. You start habituating very rapidly.

In our studies, we've shown that people will decay very rapidly when they're sleepy. Within 10 minutes they're severely impaired on a task. Now the worst part of this is you can't judge it. Let's say you stayed awake all night working on a report, or you and your staff did, and literally, none of you slept. Now it's the next day. You've got it in, and now you're having a little party in the office. You don't drink any alcohol, just soft drinks. It's time for you to drive home, and you've got a 300 mile drive. If someone asks you, are you sure you can drive? You didn't sleep last night. You are very likely to say, I'm fine, because you feel fine, because you're interacting socially, because there's a strong stimulus. As soon as you're out in the car though, and five minutes down the road, maybe it's a little hot and it's monotonous, and suddenly your head's dropping off. It's all you can do now to stay awake. You're struggling mightily. You can't understand why 5 minutes or 10 minutes before you felt great and now you're overwhelmed with sleepiness.

This waxing and waning of sleepiness is very much modulated by the environment. Long haul driving down the highway involves very monotonous situations and, as a result, it is especially prone for its unmasking the sleep tendency in individuals. And that's true, the more automated trucks get, or any industry, the more likely that is to occur.

Mr. **Rowland**. You're saying that the sameness of the environment then tends to——

Dr. **Dinges**. Right. It unmasks it. Now what I'm saying is that your brain is inherently sleepy to begin with, but it's modulated by the environment. The reason long haul driving is so problematic is it especially unmasks it because there is very little of interest on the road.

Mr. **Rowland**. Were you ever called by the billboard people to testify on their behalf? [Laughter.]

Dr. **Dinges**. I appreciate the point.

Mr. **Rowland**. You may be a secret weapon that we've uncovered here today.

Dr. **Dinges**. Not really. We do, however, live in a capitalist society and people certainly can advertise along the highways if they so choose.

Mr. **Rowland**. Let me ask you one other question. If this subcommittee were to request that the study be made, the connection between sleep needs and driving, what factors in particular do you think ought to be studied?

Dr. **Dinges**. There are a number of them. First of all, I think we've got to begin to understand precisely what portion of the population that operates large, over-the-road trucks, middle-aged males, suffer from serious sleep disorders, and all of which are treatable—we can get these men back to work and more alert on the job.

We have got to examine very closely our public message in this area and step up a campaign to just make people aware of it, like what times of day you're vulnerable and under what situations.

We have got to examine the hours of work and determine whether or not we have the appropriate hours of work for the trucking industry. There are some differences between truck drivers, in terms of the hours of work requirements, and airline pilots and that. Maybe we should look closely at some of the advances made in other areas of transportation to see if we don't have some comparability here that wouldn't harm the industry economically, at least not seriously.

We should also, I think, engage in research. We have got to understand the extent to which alcohol contributes to sleepiness and some of these interaction factors. What kinds of things in the cab could help? What kinds of things in the cab hurt? How can you detect whether someone is impaired by fatigue? Those would be the areas I think we'd like to see something done.

Mr. **Rowland**. Dr. Packard, do you have any additional questions?

We really do thank you very much, Dr. Dinges, and Mr. Dirks, for being here today.

[Dr. Dinges' prepared statement follows:]

TESTIMONY OF DAVID F. DINGES, PH.D., CODIRECTOR, UNIT FOR EXPERIMENTAL PSYCHIATRY, THE INSTITUTE OF PENNSYLVANIA HOSPITAL AND ASSOCIATE PROFESSOR OF PSYCHIATRY, UNIVERSITY OF PENNSYLVANIA, SCHOOL OF MEDICINE, PHILADELPHIA, PA

Mr. Chairman and members of the Subcommittee on Surface Transportation, I am very pleased to appear before you today to discuss issues related to highway safety.

I am here on behalf of the Association of Professional Sleep Societies which is comprised of the Sleep Research Society, the Clinical Sleep Society, the American Sleep Disorders Association, and the Association of Polysomnographic Technicians. Today, over 2,000 of my colleagues are clinically practicing, or conducting research on sleep, fatigue related catastrophes, or sleep disorders. Now more than ever before, the quality of sleep and its relationship to our waking life is being considered as a significant factor in health and safety.

The importance of fatigue and sleep related accidents and catastrophes has become a national issue. When optimum human performance is required in an industry, such as over-the-road trucking, the factors that affect human performance must be given careful consideration.

On any given day in this country, literally millions of people are attempting to operate a motor vehicle, while impaired as a result of fatigue or a sleep related condition. Some are involuntarily sleepy because of an undiagnosed sleep disorder, such as narcolepsy or sleep apnea—it is estimated that 20 million Americans suffer from these conditions. Many others experience the lethargy and fatigue associated with disturbed sleep/wake cycles, of the kind that can be produced by shiftwork or nighttime driving; and many suffer from a cumulative sleep debt due to a chronic pattern of trying to get by every day on an hour or two less sleep than is required to keep them alert for long distance driving.

Sleep related inattention is an insidious, yet silent killer on our roadways. It remains silent because people are often unaware of how poor or inadequate sleep affects them, or that they have sleep problem. Most of us think we can function well because we seem to do okay on the job. But if the job involves driving, especially for sustained periods of time, we increase our risk of accident by many fold, because driving requires all the work elements that are most difficult for the sleepy brain to perform.

It is a national problem. This was dramatically demonstrated to me when I participated, last May 19, in an Office of Technology Assessment (OTA) workshop on factors in truck carrier safety. You may recall, Mr. Chairman, that this conference was held at the prompting of you and your full Committee Chairman, Mr. Howard. The participants of the OTA Conference were some of the most highly respected individuals from the trucking industry, labor, insurance, truck manufacturers, federal agencies and academia. These highly informed individuals are dedicated to trucking safety, but even they were unware of some of the silent factors that cause fatigue, of the circumstances in which a driver is most vulnerable to it, of how it affects driving ability, or of the additional risks it imposes on the driver and other motorists. Yet fatigue has consistently been implicated as among the most significant factors in truck accidents. For example, in 1986 the Insurance Institute for Highway Safety blamed driver fatigue for 41 percent of heavy truck accidents.

Trucks comprise 10 percent of all vehicles on the road, yet they are involved in 40 percent of all accidents—a large portion of which are preventable. There is little doubt that the increased number of trucks on the road, the pressure to deliver on time, and the push toward driving extra miles to earn income (especially among ambitious independents), have resulted in increasing numbers of drivers operating vehicles when they are seriously impaired from sleepiness or fatigue. Unfortunately, most of the reinforcement for drivers encourage shortening sleep time in favor of driving time, or driving at times when sleepiness is paramount, or taking drugs in the mistaken notion that they can overcome sleepiness, or continuing to drive despite a sleep impairment that has left them inattentive. Many believe that they can "tough it out", but research has shown that no amount of mental or physical toughness can prevent sleepiness or its effect on our ability to drive. The sleepy brain will repeatedly lapse into sleep for seconds at a time, without either our consent or awareness of this, especially when we are driving. In such situations, brain failure (more so than brake failure) is likely to have contributed to an accident—we believe this is one reason why driver inattention has so consistently been implicated in truck accidents.

Single vehicle accidents are a particularly telling piece of evidence in this regard, because they cannot be attributed to the actions of a second driver. (e.g. In California in 1984, there were 4,497 fatal accidents, 44.7 percent of which involved single vehicles). The chart I hold shows the distribution of 6,000 single vehicle accidents across the 24 hour day—the peaks occur during the time, research has shown, that we are normally sleepy. This pattern of greater risk at times of sleepiness is also seen in traffic fatality data for both multiple and single vehicle accidents, with and without alcohol involved. A recent study of accidents in the state of Washington found that among the most serious 130 accidents involving transportation of hazardous materials, 69 percent occurred between 6 and 9 a.m. under good driving conditions on a straight road. The study concluded that driver inattention appeared to play a greater role in such serious accidents than did poor driving conditions or difficult maneuvers.

These and other data pertinent to the consequences of sleep related processes in health, transportation, and industry are reviewed in a just released report entitled "Catastrophes, Sleep, and Public Policy: Consumers Report" by a Committee of the Association of Professional Sleep Societies. I have brought copies of this important report today for your review, and with to request that it be inserted in the hearing record.

Mr. Chairman, my colleagues and I are deeply concerned by the number of surface transportation related accidents and fatalities that occur each year. Far too many of these are due to people driving impaired by sleepiness and fatigue. The problem is especially dangerous in the transportation area because motor vehicle operation appears to be quickly degraded when we are sleepy. Moreover, there is evidence that often we cannot accurately judge how fatigued we really are until it is too late; that is when we are already on the road and struggling to be alert.

The community of sleep disorders physicians and scientists are heartened by the fact that the effects of fatigue and inadequate sleep are beginning to be considered when experts determine the cause of accidents and mishaps in our national transportation system. We wish to make it clear that our Association is not advocating prohibition on those who enjoy driving casually, or those who work hard to make their living on our nation's roadways. Yet there is no clear indication that there is a serious concern about the effects of sleepiness and fatigue on surface transportation within relevant federal agencies such as the Department of Transportation. More solid data and information are sorely needed to assess the role of sleep factors in their prevention in the transportation system of our nation. A major advance would involve explicitly recommending that the relevant federal agencies gather data and perform research in these areas, while relying on the expertise of scientists and physicians knowledgeable in sleep and human functioning.

A statement by the Surface Transportation Subcommittee recommending that these issues be addressed by the Department of Transportation would insure that as a nation on the move, we are more knowledgeable and better equipped to face the challenges in transportation safety that confront us daily.

Mr. Chairman, thank you for the opportunity to present this statement. I am very pleased to respond to any questions you may have.

Mr. ROWLAND. The next witness is Beckie Brown, chair of the Legislative Committee of MADD, Mothers Against Drunk Driving.

Thank you very much for being here this morning. Your entire statement will be made a part of the record and precede as you so desire.

TESTIMONY OF BECKIE BROWN, CHAIRPERSON, NATIONAL BOARD LEGISLATIVE COMMITTEE, MOTHERS AGAINST DRUNK DRIVING

Mrs. BROWN. Thank you. Mr. Chairman, members of the committee, thank you very much for the opportunity to appear before you today to discuss the crime of alcohol-impaired driving throughout America.

Changes in public attitude instigated by MADD almost eight years ago are reflected in recent national polls showing the downward trend in the number of people saying they had driven after drinking.

The deadly crime of drunk driving continues to claim the lives of almost 24,000 victims, cause painful and sometimes permanent physical injury to more than 500,000 people, and cost billions of dollars in economic losses each year.

Drinking and driving is the most frequently committed crime in the Nation. In the past 8 years 950 new legislative measures, primarily at the State level, have been enacted to address this critical problem.

Action at the Federal level has also played an integral part in encouraging the development of such laws. A prominent case in point is the congressionally authorized withholding of highway aid funds for those States that fail to conform with a minimum "21" nationwide drinking age. MADD, along with the indispensable help of the Federal Legislative, Executive, and Judicial Branches, stood at the forefront of this particular effort. It has paid off in lifesaving terms. Adoption of "21" by all 50 States has been achieved and it has saved hundreds of lives every year.

But the success of "21" cannot make us complacent as we strive to put a final end to these tragedies. There are a number of additional measures that we feel would provide an effective and much needed deterrent. These objectives can be summarized as follows:

Administrative revocation, our number one priority, supported by many organizations and particularly, the National Transportation Safety Board; per se and presumptive blood alcohol content levels; a ban on open containers of alcohol in motor vehicles; self-sufficient drunk driving programs; mandatory alcohol and drug testing for drivers in fatal or serious injury crashes.

Although many of these issues are addressed at the State level, Federal involvement also provides an important avenue through which sound public policy can be implemented. As with the "21" issue, certain other measures can be pursued at the Federal level to encourage States to take appropriate legislative action. A case in point is a bill introduced by Congressman Byron Dorgan which, through highway funding provisions, would encourage a nationwide minimum legal intoxication level of .10 BAC, as well as urge all States to ban open containers of alcohol in motor vehicles. MADD has endorsed this proposal and respectfully requests that the House Committee on Public Works and Transportation conduct hearings on the bill at the earliest possible date.

In whatever way we legally can, through whatever avenues at the Federal, State, or local levels, MADD continues to support strong and effective sanctions against drunk driving. Many of our objectives are well-proven deterrents. A new study released yesterday by the Insurance Institute for Highway Safety documents that those States which have adopted administrative license suspension, jail terms for initial DWI offenses and per se BAC limits have experienced a significant decrease in drunk driving fatalities. If all States adopt similar measures, as many as 2,600 drivers could be saved from fatal crash involvement each year.

One of the most effective DWI countermeasures is considered to be administrative license suspension. Currently, only 23 States have adopted this particular sanction. Simply put, this law allows for suspension of a drivers license at the time of arrest for those persons who are caught with an illegal concentration of alcohol in their bodies. License suspensions or revocations in general are recognized as the one of most effective sanctions in reducing subsequent crashes, and administrative revocation is now proven even more effective.

By suspending the license at the time of the offense, several objectives are accomplished: the impaired driver is subjected to the consequences of his or her actions immediately, instead of six months or more later; the risk of repeat offenses and crashes is reduced; the operation of both enforcement and adjudicative systems are expedited; and law enforcement morale often rises as their efforts achieve more certain results. Overall, administrative revocation has widespread support among researchers, highway safety experts, and the public in general. It has been shown to be an effective administrative action because it is regarded as swift, just, and certain with the added benefit of protecting innocent lives by reducing the number of high-risk drivers on our streets and highways.

Speedy administrative suspension/revocation helps the offender to recognize the cause and effect relationship between the offense and the sanction. If the administrative action is delayed six months or a year, the effect may be weakened.

MADD has brought a number of highway safety experts together to consider policy improvements and to assist in making local communities and the Nation increasingly aware of the need for strong and responsive action. Our organization currently participates in a Model DUI Legislative Task Force that provides an evaluation of various laws and sanctions designed to diminish drunk driving and its consequences.

As we continue to identify and refine our legislative options, we look to our elected officials at all levels to aid us in this vital mission. Thanks to your efforts and commitment to saving thousands of innocent lives each year, we can indeed make a difference together.

Why am I here today? I have lost a son, directly by a drunk driver, and one son indirectly by a drunk driver. I have felt the consequences of the act of drunk driving and I thank you for letting me appear today.

Mr. ANDERSON. Thank you.

One suggestion your organization has made to help fight the drunk driving problem in this country is license plate confiscation for habitual drunk drivers. While driver's license suspension seems to be a logical enforcement mechanism, how will plate confiscation deter drunk driving? And can't the drunk driver still use someone else's car?

Mrs. BROWN. Yes, they do use other people's car, but by confiscating the plate and—although it's not written—and/or vehicle, we feel that we might be able to address the repeated drunk driver that we're not seeming to get to at this time.

Mr. ANDERSON. You mentioned that States have laws limiting the liability of dram shops. Should they serve alcohol to an intoxicated driver who subsequently becomes involved in an accident? What kind of limits currently are in the law? What kind of limits do you consider reasonable?

Mrs. BROWN. In the State of Florida, we have anti-dram shop. That means if the establishment overserves a patron, and they leave the establishment and kill someone, they cannot be sued. Therefore, the person that reaps the profit of the act is not responsible, but the victim who has nothing to do with the act is the one that has to pay the consequences of the action.

Mr. ANDERSON. Now you make two policy suggestions that relate to the victims of drunk driving accidents, Victim Compensation and Victim Bills of Rights. What kind of compensation can victims currently expect? What kind of rights would be guaranteed by Victim Bills of Rights that are not currently protected under the law?

Mrs. BROWN. The Victim Bill of Rights—when my son was killed eight years ago, I had no rights as a victim. I was not notified of any court proceedings. Consequently, I read about most things in the newspaper. Currently, some States have passed Victims Bill of Rights, where you are notified of all proceedings that happen in the court room, and you have the right to appear before the judge and tell them of the impact that this crime had on your life and your family.

On the compensation funds, some States now do include the victims of drunk driving in their compensation funds, but many States do not. Therefore, someone that is seriously injured and has used up their insurance must go on welfare. There is no consequence, there is nothing to help them pay for their disabilities through the drunk driving.

Mr. **ANDERSON**. Now you make a convincing argument, a swift license suspension following a drunk driving incident produces more effective results than does suspension following conviction for DWI. Are there any problems of legal due process involved in immediate administrative license suspension?

Mrs. **BROWN**. That has been challenged on State level and at the Federal level and it has been upheld by the Supreme Court. If you need further legal interpretation I would be happy to send that in writing.

Mr. **ANDERSON**. Mothers Against Drunk Driving suggests that States use color-coded, embossed plastic cards for driver's licenses to help deter alteration. Do any States currently use such licenses, and are they more costly or more troublesome to produce than those currently in use in most States?

Mrs. **BROWN**. Unfortunately, I don't know about the cost. But I do know that the State of Florida has a yellow background for those under 21, and a blue background for those over 21. So we feel that we are finding more people that are trying to drink under 21 than we might have if the same color background was on all licenses.

Mr. **ANDERSON**. Mr. Packard.

Mr. **PACKARD**. Thank you, Mr. Chairman.

Let me first commend MADD and all of those who work in its organization.

Mrs. **BROWN**. Thank you.

Mr. **PACKARD**. I have been involved in it myself. I certainly applaud the work you've done. I think we've come a long ways, but certainly not far enough.

I only want to address one area in your legislative goal's attachment. I think there's two areas where you address the same subject, and that is the self-sufficient drunk driving program and the victim's compensation. Are there any insurance programs where a person who drinks, whether they drink and drive or not, can be covered if a drunk driving or a drinking-related accident happens that the victims could be compensated or cover recovery from?

Mrs. **BROWN**. Not the victims. But the driver can be covered for all his/her legal expenses. As a matter of fact, in some States it has even been sold in a bar, if you're going to drink, you may want to purchase this insurance for your legal expenses. But no, not for the victims.

Mr. **PACKARD**. I recognize that it could be interpreted as inviting drinking and driving if you were covered by insurance, but at the same time there's got to be some—I'm not sure that Federal or State taxing, the taxpayers ought to bear the burden of covering the victims either. I think that it should be borne by the driver or through its own insurance coverage.

Mrs. **BROWN**. That's why we recommend an assessment to each drunk driver when they pay their fines. That would go into a victim's compensation fund. Then the victim who needs that can apply for those funds.

Mr. **PACKARD**. These fines are often felt necessary to implement other safety features by your local law enforcement and cities.

Mrs. Brown. Normally a $25 fee on top of that has been done in some States.

Mr. Packard. I see. That's interesting.

Thank you, Mr. Chairman. I have nothing further.

Mr. Anderson. Thank you very much, Beckie, for your excellent presentation.

Mrs. Brown. Thank you very much.

[Mrs. Brown's prepared statement follows:]

Testimony by:
Mrs. Beckie Brown, Chairperson
National Board Legislative Committee
Mothers Against Drunk Driving

Presented to the U.S. House of Representatives Committee
on Public Works and Transportation
Tuesday, March 15, 1988

Mr. Chairman, members of the committee, thank you very much for the opportunity to appear before you today to discuss the issue of alcohol-impaired driving crime throughout America.

The national organization of Mothers Against Drunk Driving is the leading opponent of drunk driving and it has fulfilled that vital role with an increasingly strong and credible voice. Changes in public attitude instigated by MADD almost eight years ago are reflected in recent national polls showing a downward trend in the number of people saying they had driven after drinking. But, unfortunately, positive attitudes are not always translated into action.

The deadly crime of drunk driving continues to claim the lives of almost 24,000 victims, cause painful and sometimes permanent physical injury to more than a half-million people and cost billions of dollars in economic losses each year.

DWI crime in America is truly a national tragedy that extends beyond any geographic boundary or socio-economic parameters. Drinking and driving is the most frequently committed crime in the nation; and it remains as the number one leading killer of American youth between the ages of 16 and 24.

During the course of the anti-drunk driving movement, and more specifically, since the inception of MADD, society has acknowledged the urgent need to pursue adequate public policy and criminal justice remedies. In the past eight years 950 new legislative measures, primarily at the state level, have been enacted to address this critical problem.

Action at the federal level has also played an integral part in encouraging the development of such laws. A prominent case in point is the congressionally authorized withholding of highway aid funds for those states that fail to conform with a minimum '21' nationwide drinking age. MADD, along with the indispensable help of the federal legislative, executive and judicial branches, stood at the forefront of this particular effort. It has paid off in lifesaving terms. Adoption of '21' by all but one state has, according to a recent U.S. Department of Justice report, led to a decrease in arrests for drunk driving among those 18 to 20 years of age -- greater than any other age group.

But the success of '21,' or any one individual DWI countermeasure, cannot make us complacent as we strive to put a final end to these tragedies. There are a number of additional measures we and others in the anti-drunk driving movement feel would provide an effective and much needed deterrent.

MADD National continually reviews and evaluates numerous proposals that may have some potential impact upon DWI offenses. Out of this process a number of key public policy objectives have developed which MADD hopes to achieve through its grass roots organization at the state, local and national levels.

These objectives can be summarized as follows:

(Please note Attachment A)

- Victim Bill of Rights

- Victim compensation funds
- License plate confiscation for habitual offenders
- Mandatory incarceration for repeat offenders
- Per se and presumptive blood alcohol content (BAC) levels
- A ban on open containers of alcohol in motor vehicles
- Plastic embossed color-coded drivers' licenses
- Administrative revocation
- Dram shop
- Self-sufficient drunk driving programs (funded by offenders)
- Mandatory alcohol/drug testing for drivers in fatal or serious injury crashes
- Legal provisions for preliminary breath tests
- Alcohol warning labels relating to the risk of impaired driving

Although many of these issues are addressed at the state level, federal involvement also provides an important avenue through which sound public policy can be implemented. As with the '21' issue, certain other measures can be pursued at the federal level to encourage states to take appropriate legislative action. A case in point is a bill introduced by Congressman Byron Dorgan (H.R. 637) which, through highway funding provisions, would encourage a nationwide minimum legal intoxication level of .10 BAC, as well as urge all states to ban open containers of alcohol in motor vehicles.

MADD has endorsed this proposal and respectfully requests that the House Committee on Public Works and Transportation conduct hearings on the bill at the earliest possible date.

In whatever way we legally can, through whatever avenue at the federal, state or local levels, MADD continues to support strong and effective sanctions against drunk driving. Many of our objectives are well-proven deterrents. A new study released yesterday by the Insurance Institute for Highway Safety is another important indication of that fact. The study documents that those states which have adopted administrative license suspension, jail terms for initial DWI offenses and per se BAC limits have experienced a significant decrease in drunk driving fatalities. If all states adopt similar measures, as many as 2,600 drivers could be saved from fatal crash involvement each year.

One of the most effective DWI countermeasures is considered to be administrative license suspension. Currently, only 23 states have adopted this particular sanction. Simply put, this law allows for suspension of a drivers license at the time of arrest for those persons who are caught with an illegal concentration of alcohol in their bodies. License suspensions or revocations in general are recognized as one of the most effective sanctions in reducing subsequent crashes, and administrative revocation is now proven even more effective.

By suspending the license at the time of the offense, several objectives are accomplished: the impaired driver is subjected to the consequences of his/her actions immediately, instead of six months or more later; the risk of repeat offenses and crashes is reduced; the operation of both enforcement and adjudicative systems are expedited; and law enforcement morale often rises as their efforts achieve more certain results. Overall, administrative revocation has widespread support among researchers, highway safety experts and the public in general. It has been shown to be an effective administrative action because it is regarded as swift, just and certain with the added benefit of protecting innocent lives by reducing the number of high-risk drivers on our streets and highways.

Among highway safety specialists, it is generally accepted that the immediacy of a sanction is much more important that its severity. Speedy administrative suspension/revocation helps the offender to recognize the cause and effect relationship between the offense and the sanction. If the administrative action is delayed six months or a year, which is not unusual if based upon conviction records, the effect may be weakened.

These are the major legislative goals that MADD believes would be most helpful in the fight against drinking and driving.

Our work to find additional methods to assist in this lifesaving task is ongoing. For instance, MADD has brought a number of highway safety experts together to consider policy improvements and to assist in making local communities and the nation increasingly aware of the need for strong and responsible action. Our organization currently participates in a Model DUI Legislative Task Force that provides an evaluation of various programs and sanctions designed to diminish drunk driving and its consequences.

As we continue to identify and refine our legislative options, we look to our elected officials at all levels to aid us in this vital mission. Thanks to your efforts and commitment to saving thousands of innocent lives each year, we can indeed make a difference together.

Thank you again for this opportunity to appear before you today. I will be pleased to respond to any questions you may have or provide further material on these or other subjects relating to MADD and its programs.

Mrs. Beckie Brown, Chairperson
National Board Legislative Committee
Mothers Against Drunk Driving

ATTACHMENT A

SUMMARY
MADD LEGISLATIVE GOALS

Tougher alcohol countermeasure laws are intended to play a vital role in achieving MADD's goals of reducing drunk driving tragedies. The following list of current goals includes those which have been given Board approval.

21. One of the earliest objectives was the establishment of a minimum 21-year-old drinking age. As of 1988, all but one state (Wyoming) had passed '21,' although the South Dakota law does not take effect until April 1988. Research shows that states raising their drinking age have experienced an overall reduction of 11 to 13 percent in youthful drunk driving fatalities.

Victim Compensation. In keeping with the MADD objective of aiding victims of drunk driving crashes, MADD advocates that state governments provide a source of compensation funds for the financial losses and expenses of injured DWI victims and their families. At present, 27 states have established such programs, which provide crucial assistance for the victims who make application for help.

Victim Bill of Rights. A Victim Bill of Rights provides a legislative means to ensure that victims of alcohol-related crashes have guaranteed rights within the criminal justice system. For too many years such rights were disregarded in the effort to assure the rights of the accused, but it is increasingly recognized that the victim must also be accorded such protections as the right to describe the impact of the crime on his or her life and to be informed of developments in the adjudication process. In some states, a Bill of Rights has been established in comprehensive form, while in others, victim rights have been passed in individual laws.

Administrative Revocation. Administrative license revocation is a procedure to suspend, at the time of arrest, the driving privileges of persons caught driving with an illegal concentration of alcohol in their bodies. Studies have shown that license suspension or revocation is one of the most effective sanctions in reducing subsequent crashes, and administrative revocation proves even more effective. By suspending the license at the time of the offense, several objectives are accomplished: the impaired driver is subjected to the consequences of his/her actions immediately instead of six months or more later; the risk of repeat offenses and crashes is reduced; the operation of both enforcement and adjudicative systems are expedited; and law enforcement morale often rises as efforts achieve more certain results. Currently, 23 states have administrative revocation provisions.

License Plate Confiscation for Habitual Offenders. Removing license plates from habitual drunk drivers or those who drive on suspended licenses serves to prevent them from continuing to repeat their offenses. While license revocation does not provide a visible indicator of the offense, removal of license plates from vehicles makes a repeat offense apparent to law enforcement. Currently, six states have statutes providing for license plate impoundment, while others have considered or tried such procedures.

Mandatory Incarceration for Repeat Offenders. MADD favors confinement which cannot be suspended or probated for those convicted more than once of driving while under the influence. Drunk driving is a crime, and continued incidence of such offenses warrants the punitive effect of a certain jail sentence. Making the sentence mandatory removes the uncertainty and increases deterrent value of the sanction.

Open Container. MADD supports laws which prohibit any occupant of a motor vehicle from possessing an open container of alcoholic beverage. Such a statute goes beyond the effect of "don't drink and drive" ordinances, under which an officer must actually observe the offense before an arrest may be made; such statutes make it easy for a driver to hand off his or her container to a passenger.

Plastic Embossed Color-Coded Drivers' Licenses. The use of unalterable drivers' licenses which clearly indicate whether the driver is of drinking age is very important in enforcing the drinking age law. Using a color code for under-drinking-age drivers facilitates identification, and utilizing a plastic-embossed license helps to forestall alteration of licenses.

Dram Shop. Dram Shop laws provide for lawsuits by alcohol-related crash victims against drinking establishments and individuals which serve alcoholic beverages to an intoxicated driver. At least 41 states have either case law or statutes concerning dram shop liability, although some of these provide specific limitations on the extent of liability.

.08 Per Se/.05 Presumptive. In 41 states, a BAC level of .10 percent is considered "per se" evidence of intoxication; in many states a set level, usually .10 percent, is also considered to be "presumptive" evidence of intoxication. Research evidence shows that people are actually impaired at lower levels, and the American Medical Association has even called for a per se level of .05 percent. MADD supports making .08 percent per se evidence of intoxication, with a presumptive level of .05 percent.

Alcohol Warning Labels. MADD has endorsed the concept of requiring warning labels on alcoholic beverages. Such warnings should state that alcohol will impair skills necessary for operation of motor vehicles or heavy machinery. The use of such warnings is consistent with similar warnings on other hazardous substances and will provide a direct opportunity to educate the public concerning the risks involved with alcohol consumption.

Self-Sufficient Drunk Driving Programs Funded by Offenders. MADD supports efforts to provide funds for drunk driving programs through fees, fines and other assessments, both to ensure a reliable source of funding for effective programs and to place the burden of these programs where it belongs: on the drunken driver.

Mandatory Alcohol/Drug Testing of All Drivers in Crashes Resulting in Fatalities/Serious Injury. MADD advocates the requirement of alcohol/drug testing of all drivers in all traffic crashes resulting in fatalities or serious bodily injury.

Legislation Providing For Preliminary Breath Tests. MADD supports providing the most modern technology (Preliminary Breath Testers - PBTs) to police officers investigating drunken drivers, both to increase the efficiency of the arrest process and to protect the innocent.

Mr. **Anderson**. Our final witness today is Lester P. Lamm, President of the Highway Users Federation. Lester, we do have your statement here. It will be made a matter of the record in its entirety please proceed.

TESTIMONY OF LESTER P. LAMM, PRESIDENT, HIGHWAY USERS FEDERATION FOR SAFETY AND MOBILITY

Mr. **Lamm**. Thank you, Mr. Chairman.

It's nice to be here before the committee again. I'd like to commend the committee for these hearings on the topic of highway safety. As you've indicated, you do have copies of my statement. I'll just briefly summarize a few points from that statement and be available for any questions you might have.

The Highway Users Federation has been in business for more than 50 years trying to pull together a number of varied interests in the private sector toward the goals of better roads and safer roads. In particular, our Automotive Safety Foundation celebrated its 50th anniversary just last year.

In looking ahead to the topic of highway safety through the eyes of the Automotive Safety Foundation, we began to feel a concern that highway safety efforts in this country are to a great extent more fragmented these days than they used to be. Although there are a number of Government agencies at all levels working toward highway safety and a number of private organizations with goals in this field as well, there is very little overall guidance or framework to pull everybody's efforts together.

So in the interest of developing a more coordinated approach to overall highway safety benefits under the auspices of the Automotive Safety Foundation, we sponsored a conference last year to look ahead for a number of years and to see what we feel might happen in the way of highway safety and to come up with an action plan that would really tie together the major priority items that we should be focusing on.

The report of that conference was published with a press release that was made in January of this year. The committee has copies of this. The report is titled Highway Safety Priorities to the Year 2000. I'd like to talk a little bit about what led to that report and what we hope will happen as a result of it.

[The press release and report follows:]

Highway Users Federation

news

Contact: Gerald M. Bastarache
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January 19, 1988

LOWER TRAFFIC DEATH RATE TARGETED

Washington, D.C. -- The Automotive Safety Foundation (ASF), an affiliate of the Highway Users Federation, has set a goal of reducing the traffic death rate from the current 2.5 to no more than 1.5 deaths for every 100 million vehicle miles driven in the U.S. by the year 2000.

The new safety target was announced by Richard T. Ashman, ASF chairman and vice president, public affairs, of Holiday Corporation, at a press conference here today.

As the chief means of reducing the death rate, the ASF set a goal of obtaining safety belt use laws in every state by 1990, with a belt use rate of at least 70 percent. Currently, 31 states and the District of Columbia have enacted safety belt use laws, with percentage use rates mostly in the low forties.

"The current mileage death rate reflects the loss of some 46,000 lives a year on the nation's highways. With road travel increasing at more than 4 percent a year nationally, the annual death toll could reach 80,000 by the year 2000 unless the death rate is lowered," Ashman said.

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"Such an increase in the traffic death toll is completely unacceptable. We must immediately begin to take the steps needed to lower the mileage death rate," he said.

The mileage death rate -- the number of traffic deaths for every 100 million vehicle miles driven -- is the commonly accepted measurement of traffic safety progress.

At the press conference, the ASF and the Federation released a report entitled "Priorities in Highway Safety to the Year 2000." It recommends action in ten traffic safety areas: safety belt use laws, public education programs on motor vehicle passenger restraints and seat belts, driver's license suspension for alcohol related offenses, increased traffic law enforcement, and motorcycle helmet laws.

Also uniform commercial motor vehicle operator licensing, improved commercial motor vehicle operator training, expanded alcohol education programs to reduce drunk driving, improved roadway signing, marking, and delineation, and uniform data collection and analysis so that problems can be identified and progress assessed.

The report recommends specific actions and programs for carrying out the safety measures. It will be distributed to traffic safety organizations nationwide.

Ashman quoted a 1987 letter from President Reagan congratulating the ASF on its 50th anniversary: "Your distinguished efforts have helped to bring about dramatic improvements in safety on the nation's highways, cutting the death rate from nearly 15 per 100 million vehicle miles in 1937 to approximately 2.5 today."

Ashman also cited the ASF and Federation campaign launched in 1973 to reduce the mileage death rate, then 4.5, to no more than 3 for every 100 million miles driven by the year 1980. Industry and public safety organizations nationwide joined the campaign, which saw the goal reached in 1982.

He said it will take similar broad-based efforts by business, civic groups, and public agencies to reach the lower death rate target by the year 2000.

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(Note to editors: copies of the report "Priorities in Highway Safety to the Year 2000" are available from the Highway Users Federation, telephone (202) 857-1248.)

Automotive Safety Foundation

Message from the Chairman

1987 marked the Golden Anniversary of the Automotive Safety Foundation, a landmark in the history of dedicated public service by American business and industry. In a congratulatory letter, President Ronald Reagan wrote:

"Your distinguished efforts have helped to bring about dramatic improvements in safety on the nation's highways, cutting the death rate from nearly 15 per 100 million vehicle miles in 1937 to approximately 2.5 today. Figures like that pay eloquent tribute to your hard work and dedication, and show the leading role that private industry and business can, and should, play in promoting the public good."

While our record of safety progress is a proud one, today we face an unprecedented challenge. The current mileage death rate reflects the loss of some 46,000 lives a year on the nation's highways. With road travel increasing at more than four percent a year nationally, the annual death toll could reach 80,000 by the year 2000 unless the death rate is lowered.

Such an increase in the highway death toll is completely unacceptable. We must begin immediately to take the steps needed to lower the mileage death rate.

This report is the result of a detailed examination of realistic, workable traffic safety measures the nation should employ. Its recommendations are clear, and the lifesaving goal should be precise.

The Trustees of the Automotive Safety Foundation have charged me with announcing the goal of reducing the mileage death rate from the current 2.5 per 100 million vehicle miles to no more than 1.5 by the year 2000.

The enactment of safety belt use laws in all 50 states and the achievement of at least a 70 percent use rate in all states by 1990 is the number one priority if we are to achieve the 1.5 by 2000 goal.

The half-century of ASF experience in reducing traffic accidents, injuries, and deaths have well equipped it to take the leadership role in this challenging "1.5 by 2000" campaign.

As we joined forces with the Highway Users Federation and other safety-minded organizations around the country in 1973 to launch the "3 by 80" campaign—an effort to reduce the mileage death rate from 4.5 per 100 million miles driven to no more than 3 by the year 1980—we must now enlist the active involvement of businesses, civic groups, and public agencies in the campaign to reach the new "1.5 by 2000" goal.

In our society of expanding mobility, driving the already historically low death rate even further down will be difficult, but it is absolutely essential to our national prosperity and well-being. It is certainly the most valuable contribution to the future that this generation of traffic safety leaders can make.

I urge you to begin your participation in "1.5 by 2000" by working for implementation of the recommendations in this report.

Richard Ashman

Richard T. Ashman
Chairman, Automotive Safety Foundation
and
Vice President for Public Affairs
Holiday Corp.

TWIN SYMBOLS FOR HIGHWAY SAFETY:

1.5 by 2000*

*Goal for the Nation:

Achieve a Mileage Death Rate (MDR) of no more than 1.5 Traffic Fatalities per 100 Million U.S. Vehicle Miles by the Year 2000. (Current MDR — about 2.5)

70 BY 90

Achieve a safety belt use rate of 70 percent by 1990—nationwide!

HIGHWAY SAFETY PRIORITIES TO THE YEAR 2000

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HIGHWAY SAFETY PRIORITIES TO THE YEAR 2000 was prepared for publication by Charles F. Livingston and F. Rocky Moretti of the Highway Users Federation for Safety and Mobility.

Additional copies of this publication are available at $1.50 each from the Public Affairs Division, Highway Users Federation, 1776 Massachusetts Ave., N.W., Washington, D.C. 20036. Telephone 202/857-1251.

HIGHWAY SAFETY PRIORITIES TO THE YEAR 2000

Foreword

In 1973, the Highway Users Federation estimated that if the fatality rate of 4.5 deaths per 100 million miles driven were to continue through the 1970s, 72,000 Americans would die in traffic crashes in the year 1980.

The Federation therefore encouraged an intensive campaign by the private sector and all levels of government to reduce traffic deaths to no more than 3 for every 100 million miles driven by the year 1980. Conscientious work by industry and public safety organizations achieved that goal in 1982.

The 1985 historic low of 2.5 traffic deaths per 100 million miles driven was truly hard earned and credit is widely spread. But with travel increasing every year, that rate must be lowered even further to keep the annual number of fatalities from rising.

For example, at today's rate of 2.5 traffic deaths per 100 million miles traveled, almost 63,000 Americans could die each year in traffic crashes by the turn of the century if our travel increases at the rate of two and one-half percent a year projected by the Federal Highway Administration.

Actual highway travel increased 4 percent in 1985 and 1986 and in 1986 traffic fatalities increased to 46,000. At a 2.5 traffic death rate per 100 million miles, a 4 percent travel growth could mean 80,000 annual deaths by the year 2000 (see following table) if programs and actions are not taken now to improve highway safety. Clearly, this projected increase in annual highway fatalities is unacceptable.

The Executive Committee of the Federation's Board of Directors and the Trustees of the affiliated Automotive Safety Foundation directed the Federation staff to undertake a broad examination of current and emerging highway safety programs and problems, with a view towards identifying those highway safety measures with the highest payoff in reducing or limiting projected increases in highway fatalities. The result of this examination was to develop goals and priorities which the public and private sectors should be pursuing to keep the nation's highway transportation system safe as it grows to meet emerging needs.

To carry out this mission, the Federation staff proposed a strategy session of highway safety leaders from government, private industry and academia to analyze the emerging issues and evaluate the strategies needed to deal with them realistically. The session was conducted in early June 1987. Attendees are listed in the appendix.

Discussions at the strategy session centered on identifying the range of options available to address the problems, and the ultimate development of a consensus position on the priorities assigned to the options or action items.

Also, the participants in recommending specific priorities to reduce highway fatalities, established a goal of achieving 1.5 traffic deaths per 100 million miles driven by the year 2000. That rate would likely hold traffic fatalities below the 50,000 level in the year 2000. The participants felt that if the prioritized actions are implemented on a consistent and sustained effort, they would contribute to achieving the 1.5 by 2000 goal.

The specific actions or programs recommended by the participants are presented in four sections. The first three sections represent each of the traditional elements of the highway safety problem—**Human, Vehicle,** and **the Roadway Environment**. The fourth section deals with another important component of traffic safety, **Systems Support**.

Within the four sections are numerous suggestions and proposals for improving traffic safety. The participants' individual priorities to be pursued in reaching the 1.5 by 2000 goal are:

- SAFETY BELT USE LAWS IN ALL STATES AND 70 PERCENT COMPLIANCE IN STATES WITH BELT LAWS BY 1990
- EDUCATION PROGRAMS TO INFORM THE PUBLIC ON THE USE AND BENEFITS OF PASSIVE RESTRAINTS AND MANUAL SEAT BELTS
- ADMINISTRATIVE LICENSE SUSPENSION FOR ALCOHOL RELATED OFFENSES
- EXPANDED ALCOHOL EDUCATION PROGRAMS TO REDUCE DRUNK DRIVING
- INCREASED TRAFFIC LAW ENFORCEMENT
- MOTORCYCLE HELMET LAWS
- UNIFORM COMMERCIAL MOTOR VEHICLE OPERATOR LICENSING
- IMPROVED COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING
- IMPROVED ROADWAY SIGNING, MARKING AND DELINEATION AND HAZARD ELIMINATION
- UNIFORM DATA COLLECTION AND ANALYSIS SO THAT PROBLEMS CAN BE IDENTIFIED AND PROGRESS ASSESSED

Clearly, the enactment of safety belt use laws in all 50 states and achieving at least a 70 percent use rate in all states is the number one recommendation between now and the year 2000. Use of occupant restraints can do more to save lives and reduce injuries than any other safety activity. It was also recognized by conferees that as passive restraints—air bags and passive belts—become increasingly available, there needs to be a concerted public education program on their benefits in combination with belt laws and belt usage. The full benefits of air bags are only realized when used in conjunction with seat belts.

The remaining suggestions contained in the four sections should also be pursued in an orderly fashion. But priority emphasis should be placed on the preceding 10 recommendations—with special emphasis being placed on belt use laws and drunk driving countermeasures—if we as a nation wish to truly limit highway death and injury in the coming decade. Improvements in vehicle safety performance are evolving and will continue to evolve as technology advances, and safety education programs are receiving renewed interest, but these advancements are long-term in their effect and cannot be expected to significantly decrease fatalities between now and the year 2000.

PROJECTED U.S. VEHICLE MILES OF TRAVEL (1983-2000)

(In billions of miles)
(assuming various percent rates of traffic growth)

YEAR	2.0	2.5	2.74	4.0
1983	1,649	1,649	1,649	1,649
1984	1,682	1,690	1,694	1,715
1985	1,716	1,732	1,741	1,784
1986	1,750	1,776	1,788	1,855
1987	1,785	1,820	1,837	1,930
1988	1,821	1,866	1,888	2,007
1989	1,857	1,912	1,939	2,087
1990	1,894	1,966	1,992	2,170
1991	1,932	2,009	2,047	2,257
1992	1,971	2,059	2,103	2,348
1993	2,010	2,111	2,161	2,442
1994	2,050	2,164	2,220	2,539
1995	2,091	2,218	2,281	2,641
1996	2,133	2,273	2,343	2,746
1997	2,176	2,330	2,408	2,856
1998	2,220	2,388	2,474	2,970
1999	2,264	2,448	2,542	3,089
2000	2,309	2,509	2,611	3,213
Increase over 1983	660	860	962	1,564
Percent increase over 1983	40	52.2	52.3	94.8
Traffic Fatalities by Year 2000	**57,725**	**62,725**	**65,275**	**80,325**

(at 2.5 traffic deaths per 100 million
vehicle miles traveled)

I.

THE HUMAN ELEMENT

Human performance and behavior is the most critical element of the highway crash triad of human, vehicle and roadway environment. The driver has control of the vehicle. The ultimate decisions concerning speeding, impairment, use of available restraints, lack of attention, and the disregard of traffic signs and signals rest with the driver. It is difficult to quantify improvements in driver performance and behavior. Yet experience has shown that when drivers are informed of performance expectations, and those expectations are measured and enforced, human behavior can be modified in a positive manner.

Common sense dictates that we educate drivers on the performance and operating characteristics of different types of motor vehicles. The need for an educated driver is particularly important for more demanding types of vehicles, such as motorcycles and heavy commercial vehicles. In addition, specific segments of the driver population—such as older drivers—can benefit from specialized education on the avoidance of high risk situations.

Society has historically described proper highway behavior by its laws governing driver performance. Speed limits, no passing zones, observance of stop signs and traffic control lights, and yielding to on-coming vehicles, are only a few of the traffic laws designed to prescribe driver behavior and reduce crashes. More recently, laws have defined which levels of intoxication and driver impairment are illegal, as well as prohibiting the consumption of alcohol while driving a motor vehicle. While most traffic laws are designed to prevent accidents—the pre-crash phase—seat belt and helmet use laws are primarily designed to reduce death and injury during the crash phase.

Clearly, educating and re-educating drivers and passengers about traffic laws and the penalties for failure to obey them play an important part in achieving a high degree of compliance. Numerous studies have shown that the visible presence of traffic law enforcement and/or the high expectation of detection of wrongdoing modify driver behavior and obtain a higher degree of compliance with traffic laws.

The recommendations to improve the human behavior element of the highway safety problem between now and the year 2000 are:

Laws

1. Enact Seat Belt Use Laws in Every State and Attain At Least 70 Percent Usage by 1990—Currently, 31 States and the District of Columbia have enacted seat belt use laws. Use rates vary between 36 and 70 percent, with more states reporting use rates in the low forties percent range. Effective enforcement and public education programs are closely tied to compliance rates. Approximately 5,000 lives a year and thousands of injuries could be saved with 70 percent usage in all states. The safety belt goal for 1990 is to: achieve at least 70 percent usage in the 32 jurisdictions that currently have belt use laws; to enact belt use laws in the remaining states; and to attain 70 percent proper child restraint use. Seat belt use can be increased when the public and private sector combine resources for comprehensive educational programs, and when enforcement efforts are real and visible and supported by both public officials and the private sector. Increased belt use is necessary if society is to realize the full benefits of automatic restraints, whether they be airbags or passive belts. Airbags are designed to supplement, not to replace belts.

2. Administrative License Suspension For Blood Alcohol Concentration (BAC) Test Failure or Refusal—The certain and swift imposition of penalties has been shown to have a deterrent effect on potential violators. The most effective deterrent to repeat alcohol-related driving offenders is a well-publicized program of swift and certain license suspensions for such acts. In 23 states and the District of Columbia today, any driver registering above the prescribed illegal BAC level or refusing to take the test has his or her driver license automatically suspended for 60-120 days regardless of ultimate court outcome. The suspension is handled administratively through the state Motor Vehicle Administration. All states should enact and implement similar legislation.

3. Commercial Driver License Testing and Information System—In 18 states and the District of Columbia, any person licensed to drive an automobile can also legally drive a tractor-trailer. No special training or special license is required for the heavier vehicle. Of the 32 states that have a classified driver licensing system, only 12 actually test drivers in the heavy vehicle they intend to drive. Today it is widely recognized that driving certain types of vehicles calls for special skills, knowledge, physical characteristics, and other qualifications beyond those required for passenger car operation. It has also become common practice for some commercial motor vehicle drivers to avoid license suspension and penalties for driving violations by securing driver licenses from more than one jurisdiction. The Commercial Motor Vehicle Safety Act of 1986, which applies to all states, establishes requirements that correct these problems. Therefore, it is recommended that in conformance with the law, all states implement a model classified driver licensing system, test individuals in the vehicles they will drive, authorize only one license and establish an information system that permits verification of license status and allows for interstate exchange of traffic violation conviction information. Strong emphasis should be placed on inter-agency and public/private cooperation in the states to achieve the above goals.

4. Alcohol Violation Fine and Fee Levels—Fines for alcohol-related driving offenders should be set high enough to pay for a community's drunk driving prevention system, including enforcement, education programs, and health treatment programs. Making the offender pay is particularly appropriate in the drunk driving area. Drunk driving prevention programs are expensive and time consuming, in comparison to other traffic safety prevention and detection efforts.

5. Motorcycle Helmet Laws—Evidence strongly indicates that the motorcycle helmet—like the safety belt—is a readily-available, effective, and simple device for protection against head injuries, the most serious risk in motorcycle crashes. Studies have consistently shown that serious and fatal head injuries are 2 to 3 times higher for non-helmeted riders. In 1975, 47 states and the District of Columbia required all motorcyclists to wear helmets, and there were 3,233 motorcycle fatalities. Today, only 19 states and the District of Columbia require all motorcyclists to wear helmets, and in 1986 there were 4,530 motorcycle fatalities. Therefore, it is recommended that all states enact legislation requiring all motorcyclists to wear helmets.

6. Motorcyclist License Testing—Upgraded and more demanding skill testing prior to licensing could dissuade less-skilled persons from operating motorcycles, while also re-enforcing proper skills to qualified operators. Skill tests developed by the Motorcycle Safety Foundation have been found to contribute to both goals. Additionally higher fines and penalties should be assessed to anyone apprehended operating a motorcycle without a motorcycle license. Forty percent of crash-involved riders are improperly licensed.

Enforcement

1. Allocation of Enforcement Resources—Enforcement resources must be assigned to the detection and apprehension of drivers committing the following high risk violations:

- Ignoring belt use laws,
- Alcohol violations,
- Excessive speeding or speed unsafe for conditions,
- Improper lane changes,

- Following too closely, and
- Improper turns in face of traffic

Additional enforcement manpower is also needed to maintain growth and presence in relation to increases in vehicles, drivers, and mileage.

2. Commercial Motor Vehicle Inspections—All states need to implement an on-going, effective, on-road commercial driver/vehicle inspection system. These inspection programs remove unsafe vehicles and establish an incentive for proper maintenance.

3. Technology Applications—New automatic speed enforcement equipment using radar and photography should be used in conjunction with fines to deter speeding. New applications of electronic sensing and recording of driver and vehicle identification should also be used to reduce officer paperwork and speed identification. Radar detectors should either be banned by legislation or their effectiveness reduced by counter technology.

4. Motor Carrier Reviews—Federal/state enforcement safety specialists should implement commercial motor carrier safety reviews based upon identified needs and problem areas (i.e., review those motor carriers whose vehicles have high incidence of defects, as found by roadside inspection, or who are frequently involved in crashes or violations).

5. Rural Enforcement—States need to increase enforcement and the availability of rapid emergency medical service on rural roads. Fatality rates and the occurrences of single vehicle crashes in terms of miles travelled are consistently higher on two-lane rural roads than limited-access highways.

Education

1. Alcohol and Drug Educational Programs—Educational efforts designed to reach people who surround drinkers should be mounted and sustained. The education should include both formal in-class programs and grassroots efforts.

2. Commercial Motor Vehicle Driver Qualification—The quality of commercial motor vehicle driver training in schools needs to be upgraded to assure that the classwork and on-road experience produce qualified entry-level drivers.

3. Corporate Alcohol and Drug Educational Programs—Private and government employers should implement effective employee-oriented alcohol education/prevention and counseling programs, and they should become partners in sponsoring community-oriented education prevention programs.

4. Older Driver Educational Programs—Informational programs for older drivers need to alert them to potential driving problems that come with aging and the remedial actions that can be taken. Incentives for attendance by older drivers are needed. Physicians and older person organizations can play an effective role in disseminating information.

5. Younger Driver Educational Programs—Educational programs aimed at younger drivers, an age group particularly vulnerable to single car crashes, must be better tailored to their needs and tastes. Many in this group are out of school so new channels of dissemination are needed.

6. Older Driver Licensing Programs—State licensing agencies should focus more on assisting older drivers to identify potential problems and in providing information on overcoming them, rather than on efforts to restrict or limit driving privileges.

7. Motorcycle Rider Education—Proof of enrollment or completion of a state-approved motorcycle education program should be required by states before issuing a motorcycle learner permit.

8. Pedestrian and Pedalcyclist Education—Current school pedestrian and pedalcyclist education programs should be continued and expanded. As older joggers and pedalcyclists increase in number, health-oriented publications need to incorporate safety information for their older readers.

II.

THE VEHICLE ELEMENT

Considerable progress has been made in improving both the crash avoidance and crashworthiness of motor vehicles. This progress has been made through the application of improved technology. Enhanced restraint systems including improved belt designs, passive belts, air bag applications, and electronic accident avoidance technology are currently being introduced by manufacturers based upon laboratory and field experimentation.

Additional vehicle safety improvements are evolving and will be incorporated into motor vehicles in the coming years. Considerable effort is being applied by both manufacturers and government to improve passenger compartment integrity, chassis design, steering systems and side impact protection. Braking technology on both domestic and foreign production models is being improved and can be expected to have wide-scale application in the next decade.

In the coming years, industry and government use of electronic technologies to enhance the compatibility of the vehicle and the highway, and improve crash avoidance of both passenger cars and other vehicle classes will emerge. Technology applications such as electronic roadway guidance, and construction zone and accident warning systems offer potential benefits for improving the safety of the nation's highway system.

In the heavy, commercial vehicle area, future improvements in the stability and compatibility between tractor and trailer brake performance are expected.

The recommendations to enhance the vehicle element of the highway safety problem by the year 2000 are:

Passenger Cars

Passenger car occupant fatalities have declined since 1980. Much of this decline can be attributed to improved vehicle crashworthiness, the increased use of seat belts, and improved overall occupant protection.

1. Availability of Automatic Restraints and Use of Seat Belts—Automatic restraints—passive belts and airbags—are available in the market place, and it is expected that approximately 5 million vehicles will be equipped with airbags by 1991. In the 1988 model year, 25 percent of new passenger cars must be equipped with passive restraints. Private and public safety organizations, insurance companies, and automobile manufacturers and dealers, have a responsibility to inform the public of the benefit of passive restraints when used along with seat belts. The full benefit of an airbag will only be realized when the shoulder and lap belt are used and passive belts are only effective if they are worn. Therefore, public and private sector safety organizations must encourage the wide-scale availability of passive restraints and the enactment and enforcement of belt use laws. The insurance industry also has an economic interest in the purchase of passive restraint-equipped cars by their policy holders. Accordingly, insurance companies should educate their policy holders about passive restraints and their availability, and about the need to use seat belts. As the availability of passive restraints increases, automobile manufacturers and dealers also can increase consumer acceptance and understanding through educational programs. Even with the availability of passive restraints, society must attain a high belt use rate—70 percent—in order to save the most lives and reduce serious injury.

2. Brake Enhancement—Braking improvements are being introduced by both domestic and foreign manufacturers. Anti-lock brakes are currently available and in use. Further improvements in braking performance should be continued.

3. Side Impact Protection—Protecting vehicle occupants from intrusion that occurs in a side impact is one of the most difficult tasks facing safety engineers. Much progress has been made, and current industry and government research and investigation are leading to results that will lead to advances. This area should continue to receive emphasis.

4. Use of On-Board Electronics—The electronics used today in passenger cars may offer potential to enhance the warning and guidance information available to the driver. Solid state car radios combined with sophisticated electronics offer the potential opportunity to receive warning signals transmitted from accident sites or work zones. Similar concepts could eventually be applied to roadway delineation (i.e., "sense" when the vehicle is leaving the roadway. The use of electronics to improve driver control of the vehicle is not in the immediate future, but it is an area where experimentation and field testing should be pursued).

Light Trucks and Vans

Use of light trucks and vans for personal transportation is increasing. As a class, these vehicles have a safety record comparable to passenger cars even though they are not required to meet all the same safety requirements. Some classes of light trucks have a higher rollover propensity and there is a need to educate drivers regarding these unique characteristics.

1. Crashworthiness—Light trucks and vans should meet safety performance standards and other requirements appropriate for their use.

2. Vehicle Stability—Improvements are needed to reduce rollover frequency of certain vehicles, particularly off-road types, in the light-truck classification, and drivers need education on their handling characteristics.

Commercial Motor Vehicles

Heavy commercial motor vehicle safety continues to receive a high degree of public concern. Clearly 80 to 85 percent of crashes involving heavy commercial motor vehicles are driver-related. On-road heavy vehicle safety inspections detect a high incidence of poor brake adjustment or other brake and equipment problems. Also, when a heavy commercial motor vehicle is in a crash with a smaller vehicle, because of the size and weight differential, it is the smaller vehicle and its occupants which suffer the most disproportionate level of damage and injury.

1. Brakes—Heavy truck brake system design involves a complex set of considerations and trade-offs not faced in the design of other vehicles. This is especially true in the case of combination-unit trucks. In spite of the problems of capacity (loaded/unloaded), force distribution (axle/tire share), timing (application and release), and compatibility between tractor and trailer, manufacturers, government and users should place priority emphasis on improving brake performance and compatibility among combination trucks. Additional emphasis should also be placed on the maintenance and operation of existing braking systems.

2. Crashworthiness—There are three basic design aspects of heavy trucks which make them "aggressive" when they collide with smaller vehicles: the truck's weight, which can be as much as 40 times that of a car; the stiffness of the truck's structure; and the truck's height which elevates it above the passenger car. Ongoing research in this country and in Europe on energy-absorbing heavy truck front end designs may offer some potential. Government and industry should continue this research.

III.

THE ROADWAY ENVIRONMENT

Single vehicle crash occupant fatalities—19,239 in 1986—represent the largest single proportion of highway fatalities. The fact that in 1986 64 percent of single vehicle crashes were run off the roadway gives strong support for roadway safety improvements to better guide the drivers and/or eliminate obstacles. Edge markings can be universally and effectively applied; signing can be better illuminated; roadside obstacles can be removed; crashworthy guard rails can be installed, etc. These engineering applications all can be introduced relatively inexpensively as part of a state's highway safety improvement program.

Additionally, as down-sizing of passenger cars, light trucks and vans continues and vehicle speeds rise, effort and concern must continue to be directed toward the design and installation of impact attenuators, crash barriers, breakaway signs and light posts and other roadside devices designed to reduce crash damage. Most devices in service today are designed for larger vehicles (over 3,000 lbs). The smaller, lighter vehicles react differently to the devices during crashes. Similarly, roadway design improvements are required in many instances to take the needs of heavy trucks into account (i.e., entrance and exit ramps, and crash barriers and guardrails).

Critical to the implementation of the above roadway environmental improvements is the need for vocal public support of official action. Too often public support for highway safety improvements is not communicated, either directly or through the media, to policy making officials.

The recommendations to improve the roadway environment between now and the year 2000 are:

1. **Roadway Improvements**—Improved signing, markings, and delineations are cost-effective and can improve driver performance and reduce crashes, injuries and fatalities. Technological advances allow these devices to be clearly visible when they are needed most—at night, under adverse weather conditions, and when key visual abilities are lessened by age or alcohol consumption. They should be given higher priority by every highway department, particularly on busy rural roads, which have higher crash rates. These improvements will have a significant positive impact on the nation's aging driver population.

2. **Roadside Obstacle Removal**—Hazard elimination programs have reduced crashes, injuries and fatalities. Highway departments should give high priority to implementing hazard elimination projects, particularly on high volume rural roads with high crash rates and in construction zones.

3. **Pavement Improvements**—Highway departments need to address slick pavements, rutting and resulting hydroplaning, poor geometrics, and shoulder drop-offs on high volume, rural roads.

4. **Pedestrian and Pedalcyclist Access**—Highway maintenance departments should program improvements to walkways and bikeways in the same systematic manner as roadway improvements. Similarly, local highway departments, building contractors, and public utility companies need to give higher concern to pedestrian and pedalcyclist passage when undertaking improvement projects.

IV.

SYSTEMS SUPPORT

Traffic safety requires an effective management system. Critical to any program is a data base that allows for a definition of the problem and an assessment of progress over time. A traffic records system which has uniform and consistent data elements that define the elements of highway crash situations is a prerequisite. Every state needs uniformity of data to define the vehicles, drivers and road segments involved in a highway mishap. For example, it is inexcusable that a uniform and consistent definition of a large truck does not exist among the states. Similarly, the exchange of violation data among the states is necessary to fully support the one license/one record concept of driver licensing. A telecommunications system in each state is essential for the timely exchange of data.

The recommendations in the system support areas are:

1. **Uniform Data Definition and Analysis**—States and communities must implement uniform data definitions and integrate their driver, vehicle, roadway and accident files, so the meaningful information of accident and exposure rates can be determined for the various classes of drivers and vehicles. A complete and accurate data base is the most effective program a state can have to manage its highway and highway safety program.

2. **Telecommunications Network**—State motor vehicle administrators need an electronic telecommunications network to rapidly exchange driver and vehicle information. This would improve internal tasks and allow the implementation of the Commercial Motor Vehicle Safety Act, the Driver License Compact, the Non-resident Violator Compact, and the International Registration Plan.

3. **Data Sources**—Police need technological assistance in the data input area. The manual recording of driver, vehicle, roadway and crash site date is time consuming and labor intensive. New technology should be available to increase the speed and accuracy of police data input.

4. **Coordination**—Enforcement agencies and highway agencies at state and local levels need to improve and maintain ongoing liaison and coordination on the identification of and remedial actions at high accident locations.

5. **Citation Management System**—Each state needs to implement a traffic citation management system that includes all police agencies within the state to enhance accountability and assure adjudication.

6. **Compacts**—Enforcement officials should implement regional and jurisdictional compacts to assure most effective deployment of available manpower.

7. **Previous Research and Reports**—All concerned should implement the findings and recommendations of recent highway safety reports, including the final report of the Presidential Commission on Drunk Driving. Resources are scarce, and care should be taken not to "re-invent the wheel."

8. **Motorcycle Helmet Design**—Manufacturers should develop and market light-weight helmets that provide excellent protection and visibility.

Appendix

Strategy Session on Highway Safety Priorities

Orlando, FL
June 7-10, 1987

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Mr. **Lamm**. On the easel over to the right there are a couple of numerical goals that I'll mention. First of all, 1.5 fatalities by the year 2000 is the overall safety priority expressed in terms of the desired fatality rate by the year 2000. Mr. Chairman, as we look at today's highway safety record the fatality rate, as you know, is in the range of 2.45 fatalities per hundred million motor vehicle miles, which is basically the safest conditions that any motorized country in the world has ever experienced. That rate has been going down consistently, although not at the same pace. Occasionally there's a little slide back to a previous level and so forth.

What concerns us is that traffic on the Nation's highway system is increasing at around 4 percent per year. As we looked ahead to the turn of the century, to the year 2000, we can identify the prospects that if we do no better as a country than to keep today's fatality rate, then instead of having an annual fatality toll of 46,000, by the year 2000 that toll will climb to 80,000 per year. Consequently, our goal has to be to reduce the overall fatality rate to a level more in keeping with our desired degree of safety on the highway system.

We came up with an overall goal of 1.5 fatalities per hundred million motor vehicle miles traveled by the year 2000. I should point out that, with the anticipated growth in travel between now and the turn of the century, even at that 1.5 rate our fatality toll in the year 2000 will probably continue to be in the range of 46,000 to 48,000.

As the members of this committee know, with your long involvement in highway safety, further improvements in that safety toll are going to be hard to come by. A lot of the early and easily identified safety goals have already been established. What we're talking about now is making things that we know are successful work better, things such as the safety belt laws around the country, things such as the design of motor vehicles by the manufacturers, things such as the compliance with a number of safety-related laws and ordinances around the country. In particular, to make sure that drunk driving stays on a down swing.

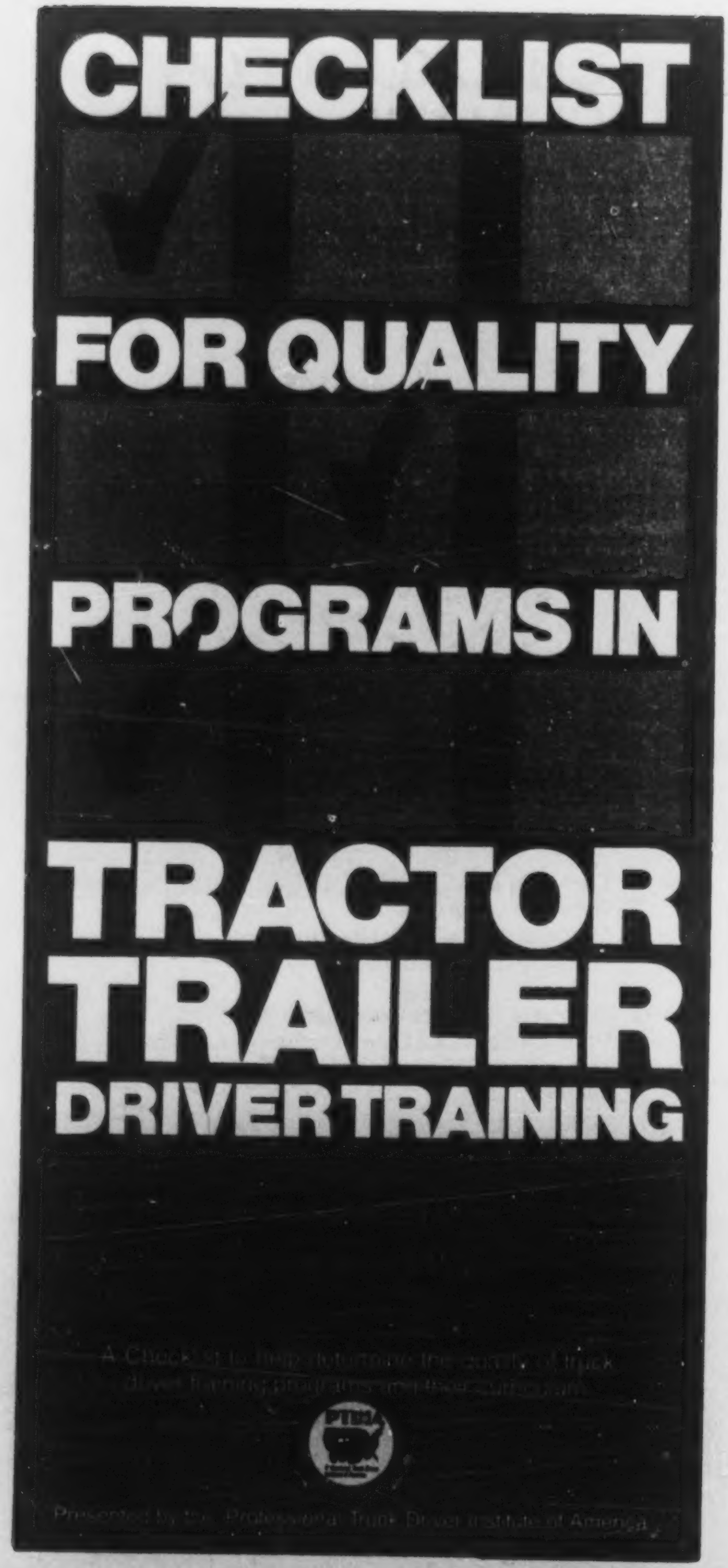
The basic premise behind the report is that the whole safety community nationally has to band together. We've identified 10 major priorities to get to this 1.5 level by the year 2000. In the report there are roughly 30 other recommendations as well that relate to both traffic laws to the vehicle on the roadway, to the driver, to the roadway itself, and also to a factor which we call safety support. Mr. Chairman, you've had copies of this report. I would commend it to the committee and staff for your review. We intend to implement this through a series of supplemental reports which focus on such things as the safety belt issue, and try and be more specific on the actual tasks that need to be developed between now and the turn of the century in order to attain that 1.5 level.

Another item which we are seeing at this juncture, Mr. Chairman, is that as we go around the country looking at Transportation 2020, which is a major focus to identify the kind of overall highway and highway safety programs that we'll need as the interstate system wears down, we're finding a number of organizations in all of the States concerned about the future of financing at the Federal level for the highway safety program.

As you know, within a very few short years, all of the Federal Government dollars which are devoted to transportation improvements are due to expire. At a later date, when this overall public forum process is complete, within a few months, I'll be very happy to report more fully to the committee. But within the context of this hearing, I would like to let you know that safety interests all over the country are concerned about the future of Federal financing for highway safety.

In my lengthier statement to the committee I've also talked about an activity which is going on within the federation, which we are doing in cooperation with Motor Vehicle Administrators and the trucking industry around the country, devoted to trying to make the 1986 legislation passed by this committee for commercial driver safety actually work. We've gotten to the point where we have developed through our staff what I think is a very good comprehensive program for tractor-trailer driver training. We put this out in a pamphlet recently—and I'd be glad to leave copies with the committee—again, working with members of the industry to make sure that the legislation which you have passed within the last year actually works and actually reduces commercial vehicle fatalities on the highway system.

[The pamphlet follows:]



CHECKLIST FOR QUALITY PROGRAMS IN TRACTOR TRAILER DRIVER TRAINING

A Checklist to help determine the quality of truck driver training programs and their curriculum.

PTDIA

Presented by the Professional Truck Driver Institute of America

CHECKLIST FOR QUALITY PROGRAMS IN TRACTOR-TRAILER DRIVER TRAINING

Published By the
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The Professional Truck Driver Institute of America is a non-profit organization sponsored by a broad-based coalition of motor carriers, owner-operators, manufacturers, equipment suppliers, insurers, trade associations and other groups and individuals closely involved with truck safety. The coalition works through the Institute to advance truck driver training, proficiency, safety, and professionalism to the highest standards possible.

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Introduction

This CHECKLIST is a yardstick for motor carriers, truck driver employers, truck safety advocates, prospective students and others in measuring the quality of a tractor-trailer driver training program, including its curriculum.

Formal training is the most reliable way to learn the many special skills required for safe truck driving. The more skills learned in supervised training, the fewer to be learned on the job. Such training is available from private truck driver training schools, public education institutions, and in-house motor carrier training programs. Because of their important role in truck safety, these training organizations are guided by minimum standards against which their training programs can be measured. It is with these standards in mind that the Professional Truck Driver Institute of America offers this CHECKLIST.

Questions in the CHECKLIST are based on criteria established by the PTDIA for voluntary certification of tractor-trailer driver training programs.

Besides helping to measure the quality of programs the CHECKLIST can be used to:

1. Identify the standards by which truck driver training can be judged.
2. Describe the scope and magnitude of the truck driver training task.
3. Encourage continuing advancement of truck driver training programs and curricula.
4. Increase recognition of the standards which serve as a guide for truck driver training programs of good quality.
5. Promote and advance the cause and concept of quality truck driver training.

This CHECKLIST presents only a brief treatment of standards by which truck driver training quality is measured. It is not intended to provide an exhaustive treatment of evaluation standards nor to be used as a technical handbook. It is hoped that its publication and distribution will prove to be a forward step in the advancement of truck driver training and professionalism.

Evaluation

Each section and each question in this inventory can be used as a tool to assess the strengths and weaknesses of a tractor-trailer driver training program. For this reason, statements are written so they can be answered YES, NO, or PARTLY.

Questions answered NO or PARTLY can indicate areas in which specific problems exist, more information or emphasis is needed, or improvement may be required.

Definitions

A tractor-trailer driver training *program* includes all operations and elements of an organization designed to provide qualified students with a course of instruction in the safe and responsible operation of a tractor-trailer.

"Organization" refers to any entity that provides a program of training for tractor-trailer drivers, including: for-hire and private motor carriers; colleges, universities, and vocational schools; and business organizations devoted to training.

A "Student" is anyone participating as a learner or trainee in an organization's program. The terms, "student," "participant," "trainee," or "learner" may be used interchangeably.

"Course of instruction" refers to curriculum, including instructional content, methods, and/or materials.

Checklist for Quality Programs in Tractor-Trailer Driver Training

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Part One: The Program

A tractor-trailer driver training program should be capably and responsibly managed. It should offer a well-organized and up-to-date curriculum; be conducted by qualified personnel; be offered only to persons able to benefit from the training; use effective instructional materials, equipment, and methods requiring involvement of learners, and utilize a well defined system for (1) assessing results and (2) improving programs.

Organization and Administration

A quality program clearly defines its function, goals, relationships, and clientele served.

Quality programs are capably and responsibly administered, with provisions for appropriate resources, planning, governance, personnel, and professional growth.

	Yes	No	Partly
1. The program is accurately and clearly defined in printed materials.	☐	☐	☐
2. The program is guided by specific, clearly stated goals which match needs of students and the trucking industry. Program goals are specific and clearly indicate the type of training provided.	☐	☐	☐
3. The organization actually provides the program claimed, and is able to meet its obligations to students, employees, and others.	☐	☐	☐
4. Written plans are maintained to keep both the organization and the training program abreast of needs in tractor-trailer driver training.	☐	☐	☐
5. The organizational framework is clearly defined. Program improvement, organizational development, and program evaluations are encouraged.	☐	☐	☐

6. Constant, effective, two-way exchanges of ideas and information keep members of the organization informed on matters affecting their work.	☐	☐	☐
7. Key positions are filled with qualified persons. There are sufficient administrative, clerical, and other support personnel.	☐	☐	☐
8. Active membership in professional associations is encouraged to promote program improvement.	☐	☐	☐

Materials and Equipment

Quality programs use effective instructional materials and equipment. There are adequate instructional aids and resources for all students and instructors. Textbooks and reference materials are current and adequate. Effective teaching and learning aids and devices are used.

Safe and efficient facilities are provided.

	Yes	No	Partly
1. Course outlines, syllabi, manuals, and similar materials showing the scope, sequence, and coverage of the program are provided.	☐	☐	☐
2. The teaching environment is safe, sanitary, and comfortable, with adequate surroundings, light, temperature, ventilation, and space.	☐	☐	☐
3. Adequate amounts of appropriate, workable equipment and supplies are available.	☐	☐	☐

Program Personnel and Students

Quality programs are administered and taught by persons who are qualified technically and educationally.

The selection of students is one of the most important elements of truck driver training. Candidates must be qualified to enter the courses.

	Yes	No	Partly
1. The program is planned, developed, administered, and directed by persons experienced in training tractor-trailer drivers.	☐	☐	☐
2. Professional and supporting personnel possess a combination of education and experience which clearly qualifies them for their assignments.	☐	☐	☐
3. Instructors are carefully oriented, trained, and supervised to ensure high quality instruction.	☐	☐	☐
4. Standards for admission are clearly defined, and comply with the law. The program enrolls only those persons able to benefit from the training offered.	☐	☐	☐

Program Evaluation and Records

Quality programs incorporate a well-defined evaluation system to (1) assess results and achievement of objectives, (2) improve programs, and (3) provide records for reporting purposes.

	Yes	No	Partly
1. Written policies on performance and completion standards are provided to all students.	☐	☐	☐
2. Established criteria and guidelines, clock hours, or other definitive units of measure are used to account for the instructional time of participants.	☐	☐	☐
3. Suitable methods are used to assess and record the knowledge and skills acquired.	☐	☐	☐

4. Attendance and educational progress records of students are kept in a secure place. Transcripts are maintained and issued on request. ☐ ☐ ☐
5. Attendance, completion rates, and other data show that a significant number of students meet the objectives for which they enrolled. ☐ ☐ ☐
6. Evidence from motor carriers, employers, and others indicates satisfaction with the performance of graduates. ☐ ☐ ☐
7. Graduates are followed up for a reasonable time to: (1) verify benefits from the instruction, (2) encourage maintenance of knowledge and skills, and (3) to identify possible changes in the instructional program. ☐ ☐ ☐
8. The following information is available for record keeping and reporting:
    a. A description of the training program offered, including reasons for departures from established minimum requirements. ☐ ☐ ☐
    b. A roster of instructors, supervisors, and administrators, which indicates qualifications and certification status, and location assignment. ☐ ☐ ☐
    c. A comprehensive description of facilities and equipment available, including information on practice driving vehicles. ☐ ☐ ☐

Part Two: The Curriculum

The curriculum of a quality program provides a course of study that covers all knowledge and skills required to operate a tractor-trailer safely and properly.

Standards in this CHECKLIST are *minimum* standards; therefore, the curriculum is a basic or "core type" curriculum. Graduates cannot be considered fully trained, "ready to solo" drivers. This level of performance can be accomplished only if the curriculum is *considerably* expanded and enriched to provide both additional driving time and material for training in a specific driving job. Students completing this basic curriculum will need additional road experience and vocational training (such as loading tankers, chaining down loads, etc.) by an experienced, professional driver before they are qualified to operate in interstate or foreign commerce (as required by Section 391 of the Federal Motor Carrier Safety Regulations).

The type of additional experience and training will depend upon needs of the organization. The organization, therefore, must evaluate specific job requirements and adjust the curriculum accordingly, so that students are adequately trained to fulfill the requirements.

Organization of the Course

The curriculum of a quality program provides preplanned and up-to-date instruction in a systematic manner.

Organizational requirements of the curriculum are clearly defined and consistently administered.

	Yes	No	Partly
1. The course is composed of units of instruction which cover all the skills required to operate a tractor-trailer safely and properly. See page 21 for the Outline of Suggested Content.	☐	☐	☐

2. Instruction is delivered by the appropriate method:

   a. *Classroom:* Instruction occurs in a non-vehicle, non-laboratory environment accompanied by instructional aids that allow large numbers of students to be taught effectively at one time. ☐ ☐ ☐

b. *Laboratory:* Classroom instruction is supplemented by outside activities. This instruction does *not* involve the operation of a vehicle. ☐ ☐ ☐

c. *Range:* Instruction on a protected off-street "driving range," where students-drive tractor-trailers without exposure to hazards from other road users. ☐ ☐ ☐

Allowance: Range instruction may be conducted on lightly traveled streets or other locations (parking lots, etc.) where other traffic is controlled to minimize hazards.

d. *Street:* Behind-the-wheel instruction is conducted under various roadway and traffic conditions that satisfy objectives. ☐ ☐ ☐

3. A course outline clearly identifies units of instruction, including their sequence, purpose, and lessons. ☐ ☐ ☐

   a. The course outline is provided to all participants and is available to other interested parties. ☐ ☐ ☐

   b. The instructional sequence is structured to enable efficient teaching and learning. ☐ ☐ ☐

4. Objectives of instruction are clearly stated at the beginning of each unit segment of instruction. ☐ ☐ ☐

   a. *Performance objectives* specify the performances that students are expected to exhibit as a result of unit instruction. ☐ ☐ ☐

b. *Knowledge objectives* describe information needed to meet performance objectives. ☐ ☐ ☐

c. *Skill objectives* call attention to performances for which instructional or supervised practice must be provided. ☐ ☐ ☐

d. *Attitude objectives* specify the beliefs necessary for successful performance. ☐ ☐ ☐

5. Training requirements are waived only upon completion of approved driving tests. ☐ ☐ ☐

   a. Basic control skills are assessed by use of the PTDIA Tractor-Trailer Skill Test or its equivalent. ☐ ☐ ☐

   b. Safe operating practices are assessed in a highway traffic environment by use of the PTDIA Tractor-Trailer Road Test or its equivalent. ☐ ☐ ☐

   c. Proficiency tests are administered with a standard van or box type trailer—minimum length of 40 feet—and a tractor with a tandem axle. If students are being trained for or by specific employers, the employers' equipment requirements supersede this standard. ☐ ☐ ☐

Materials

Curriculum materials are readily available to instructors and students. These materials are appropriate for their intended use.

	Yes	No	Partly
1. *Printed materials* such as instructor guides, student texts and manuals, reference aids, driver checklists, and learning activity sheets are provided.	☐	☐	☐
Design of materials facilitates their use, and materials:			
a. are appropriate to intended use, such as self-instruction, use during instruction, preparation for instruction;	☐	☐	☐
b. fit conditions of use (e.g., in classroom, on range, in vehicle);	☐	☐	☐
c. are prepared at an appropriate reading level (i.e., sixth to eighth grade).	☐	☐	☐
2. Classroom instruction is supported by appropriate *visual materials*, such as slides, transparencies, films, videotapes, displays, traffic boards, models, and mockups.	☐	☐	☐
a. Content is relevant to instruction objectives.	☐	☐	☐
b. Visuals are highly informational, rather than merely entertaining.	☐	☐	☐

Equipment and Vehicles

Instruction is supported by training equipment, operational equipment, and training devices.

	Yes	No	Partly
1. All necessary training equipment is readily available for use by instructors and students.	☐	☐	☐
Included as appropriate are all types of projectors, as well as range, maintenance,			

safety, and communication equipment. ☐ ☐ ☐

2. The number of tractor-trailers available is appropriate for the number of trainees, the portion their time spent in a vehicle, and the desired student/vehicle ratio. ☐ ☐ ☐
   a. All vehicles are in good mechanical condition, meet safety requirements, and are equipped with occupant restraint systems. ☐ ☐ ☐
   b. Specific operational equipment requirements of the curriculum are followed. ☐ ☐ ☐
   c. Training vehicles are comparable in size and power to vehicles in use by the motor carrier industry. ☐ ☐ ☐
3. Training devices and special aids such as hazard perception simulators, shifting simulators, cutaways and models are available to improve the effectiveness and economy of instruction. ☐ ☐ ☐

Facilities

Facilities for classroom, range, and street instruction must meet minimum standards of local, state, federal, and private agencies.

Yes No Partly

1. Classroom space per student, furniture, lighting, heating, and ventilation are adequate for a good learning environment. ☐ ☐ ☐
2. The off-street driving range is free of obstruction, and the surface enables novice drivers to maneuver without loss of control. ☐ ☐ ☐
   a. Range size allows

maneuvers without interference among vehicles.	☐	☐	☐
b. Access to the range is limited to protect the general public.	☐	☐	☐

Instruction and Faculty

All classroom, range, and street instruction is conducted by qualified instructors. Qualified assistant instructors help with street instruction and assist in classroom and range instruction. Guest lecturers with specific expertise are used to supplement classroom and laboratory instruction.

	Yes	**No**	**Partly**
1. Each instructor combines the ability of a professional tractor-trailer driver with that of a vocational education teacher, and meets the minimum requirements of education, tractor-trailer driving experience, age, health, knowledge, and skill.	☐	☐	☐
2. Assistant instructors have the same qualifications as instructors except for requirements related to education and tractor-trailer driving experience.	☐	☐	☐
3. Guest lecturers in highly technical and specialized areas acquaint trainees with first-hand experiences.	☐	☐	☐
4. Student/teacher ratios meet as closely as possible the following recommendations:			
a. *Classroom*—One instructor for each group of 30 or fewer trainees.	☐	☐	☐
b. *Lab*—Varies, but is guided by unit requirements.	☐	☐	☐
c. *Basic Range*—One instructor or assistant for each group of three vehicles in operation.	☐	☐	☐

d. *Advanced Range*—One instructor or assistant instructor for each group of five vehicles.	☐	☐	☐
e. *Street*—One instructor or assistant instructor per vehicle.	☐	☐	☐

Student Enrollment

To qualify for enrollment, an applicant must meet minimum state and federal requirements related to:

	Yes	No	Partly
1. Age	☐	☐	☐
2. Physical condition	☐	☐	☐
3. Licensing	☐	☐	☐
4. Driving ability	☐	☐	☐
5. Driving record	☐	☐	☐

Proficiency Evaluation

The curriculum provided a well-defined system of records to (1) determine whether participants have performed acceptably, (2) identify learner deficiencies, (3) identify curriculum deficiencies, and (4) certify student achievement both during and after the courses.

Students are evaluated throughout training to assess progress toward curriculum objectives. In addition, participants undergo comprehensive evaluation immediately before their first on-street training session and immediately before graduation.

	Yes	No	Partly
1. At appropriate intervals, trainees are advised of progress toward instructional objectives. This procedure encourages additional effort by all learners, and alerts lagging students to the possibility of failure.	☐	☐	☐
2. Evaluation procedures identify students needing remedial instruction. Those with			

the aptitude to master course requirements are provided with a reasonable amount of remedial instruction.	☐	☐	☐
3. To assure overall quality of the course and its administration, procedures are available to identify curriculum deficiencies. Information gained from evaluation of student proficiency is used to refine the course and its administration.	☐	☐	☐

Test and Measurements

Proficiency measures, including written, range, and road tests, are available to assess student performance.

	Yes	No	Partly
1. *Written Knowledge Tests:* Test items are used to sample knowledge objectives, asking only for required information. Questions are phrased so that students possessing the information can answer correctly.	☐	☐	☐
2. *Range Tests:* Range tests assess students proficiency in (1) fundamental vehicle control skills and (2) routine driving procedures for which range instruction is provided.	☐	☐	☐
3. *Road Tests:* Road or on-street tests involve routes that permit a broad range of observations, which are planned in advance and recorded on an examination checklist.	☐	☐	☐

Graduation

Eligibility to graduate is based on (1) performance in course work and (2) graduation criteria.

	Yes	No	Partly
1. *Performance in Course Work:* A student must satisfactorily perform all aspects of course work.	☐	☐	☐
a. *Daily Records* of performance are kept on a master record.	☐	☐	☐
b. *Achievement of Objectives* can be verified by records.	☐	☐	☐
c. *Satisfactory Fulfillment* of instructional requirements is demonstrated.	☐	☐	☐
2. *Graduation Criteria:* A final examination test battery includes a written knowledge test, range test, and on-street driving test. Test items are based on instructional objectives of the curriculum.	☐	☐	☐
a. *Written Knowledge Test:* The PTDIA Tractor-Trailer Knowledge Test or its equivalent is used to assess student attainment of knowledge objectives.	☐	☐	☐
b. *Range Test:* The PTDIA Tractor-Trailer Skill Test or its equivalent is used to assess student attainment of skill objectives including ability to control motion of the vehicle, ensure its proper operation condition, and couple it to trailers.	☐	☐	☐
c. *On-Street Driving Test:* The PTDiA Tractor-Trailer Road Test is used to assess the ability of students to operate a tractor-trailer safely and properly under highway traffic conditions.	☐	☐	☐
d. Students are issued a			

certificate or other document which provides evidence of their attainment of instructional objectives and fulfillment of course requirements.	☐	☐	☐

Records

An enrollment and training file is maintained for each student. These files show the status of a student and provides information to employers.

	Yes	No	Partly
1. An "in-training" file is maintained for each student. The file contains application form, selection form, training records, attendance records, master record form, duty status record, test results, unit completion records, and other pertinent data.	☐	☐	☐
2. A "Former Students" file is maintained.	☐	☐	☐
a. In addition to in-training records, the file contains placement forms, master record, and graduation record.	☐	☐	☐
b. Records of graduates are kept for 10 years.	☐	☐	☐

Ongoing Evaluation Plan

School officials and supervisory personnel responsible for the curriculum conduct an ongoing evaluation to determine the effectiveness of the course and to provide a basis for curriculum improvement.

	Yes	No	Partly
1. Departures from the established curriculum are announced, recorded and available for review.	☐	☐	☐
2. Records are kept of each student's attainment of objectives to (1) determine			

the general effectiveness of the curriculum, and (2) identify specific deficiencies.	☐	☐	☐
3. Where deficiencies exist, curriculum improvement plans are developed and implemented.	☐	☐	☐

Part Three
Instructional Content

Outline of Instructional Content
Basic Control

1.1 Orientation

- A. Background to Tractor-Trailer Driving
  - 1. Importance of Trucking Industry
  - 2. Regulation of Trucking Industry
  - 3. Definition of a Professional Driver
- B. Introduction to the Tractor-Trailer
  - 1. Vehicle Definitions, Cab Design and Axle Arrangements
    - a. Definitions and Major Parts of a Truck-Trailer
    - b. Basic Cab Designs
    - c. Tractor Axles
  - 2. Designing a Tractor
    - a. Design Factors
    - b. Frame
    - c. Engine
    - d. Drive Train
    - e. Suspension System
    - f. Steering System
    - g. Wheels and Tires
    - h. Fifth Wheel
  - 3. The Trailer
    - a. Basic Trailer Design
    - b. Semi-trailer Key Components
    - c. Full Trailer Coupling
    - d. Converting a Semi-trailer to a Full Trailer
  - 4. Engine Auxiliary Systems
    - a. Fuel System
    - b. Air Intake System
    - c. Superchargers and Turbochargers
    - d. Exhaust System
    - e. Cooling System
    - f. Lubrication System
    - g. Electrical System
  - 5. The Air Braking System

1.2 Control Systems

- A. Function and Operation of Vehicle Controls

1. Controls Related to Starting and Stopping the Engine
2. Primary Vehicle Controls
   a. Accelerator Pedal
   b. Steering Wheel
   c. Clutch Pedal
   d. Transmission Controls
   e. Brake Controls
   f. Optional Controls
3. Secondary Vehicle Controls

B. Purpose and Function of Vehicle Instruments
1. Importance of Instruments
2. Basic Instruments
3. Pressure Gauges
4. Temperature Gauges
5. Warning Devices
6. Tachograph

1.3 **Vehicle Inspection**

A. Types of Vehicle Inspections and Their Importance

B. What to Look For When Inspecting Vehicles
1. Fluid Leaks
2. Interference with Visibility
3. Bad Tires
4. Wheel and Rim Defects
5. Braking System Defects
6. Steering System Defects
7. Suspension System Defects
8. Exhaust System Defects
9. Coupling System Defects
10. Cargo Problems

C. Pretrip Inspection Procedures
1. Characteristics of a Good Pretrip Inspection
2. Federal Requirements
3. Inspection Procedures

- D. Enroute and Post-Trip Inspections
- E. Additional Procedures for Special Vehicles
    - 1. Twin Trailers
    - 2. Tankers
    - 3. Refrigerated Units
- F. Reporting Your Findings

1.4 **Basic Control**

- A. Starting, Warming Up, and Shutting Down the Engine
    - 1. Starting the Diesel Engine
    - 2. Starting the Gasoline Engine
    - 3. Fuel Efficient Starting
    - 4. Engine Warmup
    - 5. Engine Shutdown
    - 6. Excessive Idling
- B. Putting the Vehicle in Motion and Stopping
    - 1. Putting the Vehicle in Motion
    - 2. Testing the Tractor-Trailer Hookup
    - 3. Stopping the Tractor-Trailer
- C. Backing in a Straight Line
    - 1. Positioning the Vehicle Properly
    - 2. Proper Speed
    - 3. Steering
    - 4. Starting Again
- D. Turning the Vehicle
    - 1. Basic Rules
    - 2. Off-Tracking
    - 3. Right Turns
    - 4. Left Turns
    - 5. Right and Left Curves

1.5 **Shifting**

- A. Key Elements of Shifting
    - 1. Shifting Controls
    - 2. When to Shift
    - 3. Double Clutching

        - a. Upshifting
        - b. Downshifting
    - B. Shift Patterns and Procedures
        - 1. Mack Five Speed
        - 2. Spicer Seven Speed
        - 3. Nine Speed Road Ranger
        - 4. 13 Speed Road Ranger
        - 5. Two-Speed Rear Axle
    - C. Shifting Automatic and Semi-automatic Transmissions
        - 1. Fully Automatic Transmissions
        - 2. Semi-automatic Controls and Procedures
    - D. Consequences of Improper Shifting

1.6 **Backing**

- A. Backing Principles and Rules
    - 1. Steering Principles
    - 2. Types of Backing Maneuvers
    - 3. Rules for Safe Backing
    - 4. General Procedures
- B. Four Basic Backing Maneuvers
    - 1. Straight-Line Backing
    - 2. Alley Dock Backing
    - 3. Jackknife Parking
    - 4. Parallel Parking

1.7 **Coupling and Uncoupling**

- A. Overview of Coupling Procedures
- B. Detailed Step-by-Step Procedures
- C. Uncoupling Procedures
- D. Summary of Safety Hazards
- E. Coupling and Uncoupling Twin Trailers

1.8 **Proficiency Development: Basic Control**

- A. Description of Range Exercises and Practice
    - 1. Purpose
    - 2. Backing—Straight Line

  3. Offset Alley Exercise
  4. Alley Dock Backing Exercise
  5. Serpentine Exercise
  6. Parallel Parking Exercise
  7. Controlled Stop Line Exercise

B. Description of Pre-Street Range Test
  1. Purpose
  2. General Description of Exercises
  3. Description of Standards for Range Exercises
  4. Scoring of Pre-Street Range Test

C. Onstreet Proficiency Development Exercises
  1. Purpose
  2. Routes
  3. Procedure
  4. Evaluation

1.9 **Special Rigs**

A. Multiple Articulation Vehicles
B. Oversized Vehicles
C. Low Clearance Vehicles
D. High Center of Gravity Vehicles
E. Special Cargo Vehicles
F. Special Handling Vehicles

Safe Operating Practices

2.1 **Visual Search**

A. Seeing Ahead and to the Sides
  1. Importance of Seeing Properly
  2. Distance Scanning
  3. Scanning to the Sides
  4. Problem-Solving

B. Use of Mirrors
  1. Importance of Mirrors
  2. Two Types of Side Mirrors

   3. Taking Care of Mirrors
   4. Problem-Solving
- C. Seeing to the Rear
   1. Using Mirrors to Monitor to the Rear
   2. Using Mirrors to Check to the Rear When Changing Speed or Position
   3. Problem-Solving
- D. Commentary Driving
   1. The Basic Process
   2. General Rules

2.2 Communication

- A. Communicating Intent
   1. Signaling When Changing Position in Traffic
   2. Communicating Intent to Slow or Stop
   3. Keeping the Size of Your Vehicle in Mind
   4. Inadvertent Signals
- B. Communicating Presence
   1. Using Your Horn to Communicate Your Presence
   2. Using Your Horn to Communicate Danger
   3. Using Your Lights to Communicate Your Presence
- C. Misuse of Communications
   1. The Horn
   2. The CB Radio
- D. Communications from Others
- E. Problem-Solving
   1. Application of Basic Rules for Signaling
   2. Discussion of Problems Created by Poor Signaling

2.3 Speed Management

- A. Speed and Stopping Distance
   1. Importance of Speed Management

   2. Braking Distance
   3. Driver Response Time
   4. Stopping Distance

B. Speed and Surface Conditions
   1. Friction and Traction
   2. Hydroplaning
   3. Icy and Snowy Roads

C. Speed and the Shape of the Road
   1. Adjusting Speed for Curves
   2. Adjusting Speed for Grades

D. Speed and Visibility
   1. Speed and Sight Distance
   2. Speed and Field of Vision
   3. Adjusting Speed to Reduce Sight Distance

E. Speed and Traffic Flow
   1. Influence of Traffic on Speed Management
   2. Speed Management When Entering and Exiting Traffic

F. Obeying the Speed Limit
   1. Speed Limits Based on Principles of Speed Management
   2. Reasons for National Speed Limit
   3. Speed and Risks
   4. Penalties for Speeding
   5. Why Drivers Exceed Speed Limit

G. Problems Created by Speed

2.4 **Space Management**

A. The Importance of Space Management

B. Space Cushions Concept Space Ahead
   1. Following Distance
   2. Managing Space to the Rear
   3. Legal Requirements for Following Distances
   4. Class Discussion: Why Do Some Tractor-Trailer Operators Follow Too Closely?

C. Space to the Sides

D. Manage Space to the Sides
  1. Positioning the Vehicle Properly
  2. Compromising Space
  3. Separating Hazards

E. Space for Traffic Gaps
  1. Definition of Gap
  2. Difficult Skill to Master
  3. Differences Between Car and Tractor-Trailer for Handling Gaps
  4. Situations Requiring Adequate Gaps
     a. Crossing and Entering Traffic
     b. Passing
     c. Merging
     d. Railroad Crossings

F. Giving Space to Others
  1. Principles of Right-of-Way
  2. Avoid Hindering Traffic
  3. Discussion of Space Management Principles

2.5 **Night Operation**

A. Night Driving Factors
  1. Driver Factors
     a. Vision
     b. Glare
     c. Fatigue
     d. Driver Inexperience
  2. Roadway Factors
     a. Low Illumination
     b. Variation in Illumination
     c. Familiarity with Roads
     d. Other Road Users
     e. Drinking Drivers
  3. Vehicle Factors
     a. Headlights
     b. Auxiliary Lights
     c. Turn Signals
     d. Windshields
     e. Mirrors

B. Night Driving Procedures

1. Preparing to Drive at Night
    a. Getting Yourself Ready
    b. Plan Your Route
    c. Getting the Vehicle Ready
2. Driving at Night
    a. Avoiding Blinding Others
    b. Avoiding Glare
    c. Maximizing Visibility
    d. Adjusting Basic Driving Techniques

2.6 Extreme Driving Conditions

A. Adverse Weather
  1. Tire Chains
  2. Cold Weather Starting
  3. Foul Weather Operating Hazards
  4. Freeing a Stuck Vehicle

B. Hot Weather
  1. Vehicle Inspection
  2. Driving in Desert Conditions

C. Mountain Driving
  1. Gravity
  2. Mountain Preinspection
  3. Operating on Upgrades
  4. Operating on Downgrades
  5. Auxiliary Brakes (Speed Retarders)
  6. Truck Escape Ramps

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- E. Lubrication Systems
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Mr. **Lamm**. Mr. Chairman, that's my statement this morning. I'll be glad to answer any questions that you might have.

Mr. **Anderson**. Thank you, Les.

According to highway safety priorities to the year 2000 you suggested a good way to eliminate the problems caused by radar detectors would be to develop counter technology. Do you know whether technology currently exists or whether research is being developed to address the concerns with radar use?

Mr. **Lamm**. When we had the group of safety experts in the middle of 1987 to talk about the overall issues, Mr. Chairman, we did have some people that are very closely involved with electronics technology. It was the feeling of those people, who know more than I do about this topic, that right now there is technology in existence that can make it just a little bit more difficult to detect speed enforcement radar setups.

Mr. **Anderson**. Also, in your report you list six different areas where greater enforcement resources are needed. The list ranges from improper lane changes to ignoring seat belt laws to alcohol-related offenses. Do you see any of these safety violations as more hazardous than the others? If so, how can enforcement measures be properly guided to deal with such safety hazards?

Mr. **Lamm**. That's a very good question. I believe you can prioritize even within the enforcement field. You can prioritize the likely benefit that you can gain from stepping up enforcement at one class of infraction as compared to another. As the report mentions, the single overriding goal that will help us get to 1.5 by the year 2000 is going to be if we really make the safety belt laws work. So I would say the most likely to succeed safety benefit in the enforcement field would be to have people out, aware of, and enforcing the safety belt laws around the country.

Mr. **Anderson**. You also suggest mandatory license suspensions for those found to have illegal blood-alcohol concentration levels when tested or for those who refuse to be tested. You also suggest improved driver education about the dangers of alcohol use. What kinds of driver education programs do you believe are most effective for combating the problems of drunk or drugged drivers? Do you have any other suggestions for attacking the problem of drunk or drugged drivers?

Mr. **Lamm**. May I respond to that question, Mr. Chairman, with an offer to provide the committee with a follow-up publication which we are preparing right now. As I mentioned, we are going to get a little more specific in each of these major priority areas with an action plan, setting up actual desired tasks and who we think is responsible for carrying those out. When we have prepared the one that deals specifically with the drunk driving phase, I'd like to provide that for the record to the committee. That will be very shortly, within the next few weeks.

Mr. **Anderson**. All right. You can either do it both ways, or you can maybe answer the question later on for the record with more details if you wish. I will keep the record open for your answer.

Mr. **Lamm**. Yes, sir.

[The following was received from Mr. Lamm:]

The key ingredients to a effective alcohol education program include content dealing with alcohol and it's effect on the body, rationale decision making regarding the use or non-use of alcohol, and facts related to alcohol's use and it's effect on the driving task. Included in this educational approach should be the basic societal expectation of promoting the positive aspects of sober driving -- that it's healthy, safe, and socially acceptable -- while intoxicated driving is unhealthy, unsafe, and socially unacceptable.

Through sustained alcohol education programs which contain the above, students can be inundated with positive messages from kindergarten through college and beyond. We also strongly believe these types of educational programs should be periodically conducted by employers for their employees.

Finally, in the area of education we believe training of alcohol servers in the prevention of over drinking has great merit and believe programs of this type should be expanded to all serving establishments. I am submitting a copy of a research study published in Alcohol, Health & Research World on the effectiveness of a server training program called TIPS (Training For Intervention Procedures by Servers of Alcohol) developed by the Health Education Foundation, Inc.

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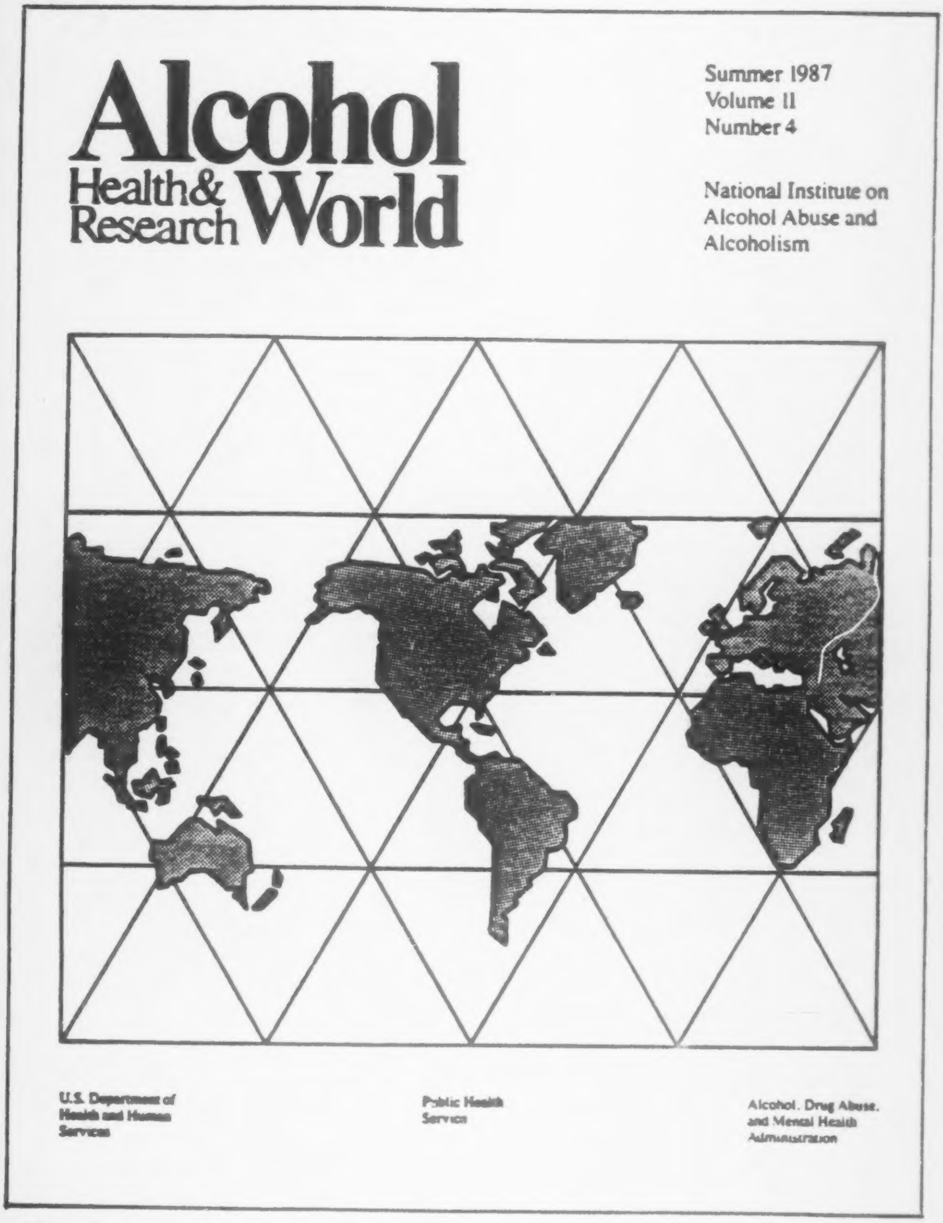

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Does Server Intervention Training Make a Difference?

An Empirical Field Evaluation

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Server training as a theoretical and legislative potential for preventing intoxication and impaired driving was examined at length in the Summer 1986 issue of *Alcohol Health & Research World* (Mosher and Colman; Saltz; Vegega; Peters). An evaluation of effectiveness of such training is crucial. So many of the activities in countering impaired driving are based on understandable emotion and a reliance on the purported deterrent effects of punishment. But the truth is that, even with stricter penalties and increased enforcement, alcohol-impaired driving continues as a destructive force in American society. Indeed, 1 million arrests each year in the United States for Driving Under the Influence of alcohol (DUI) have not lowered appreciably the involvement of heavy alcohol use in fatal crashes or those producing injury or property damage (Fell 1983).

An unwillingness by intoxicated people to change their driving plans is consistent with the impairment of judgment expected with heavy alcohol use. It is best, therefore, to intervene with a driver before judgment is seriously impaired. Furthermore, it is optimal to intervene for behavior change at the time when the change is most immediately relevant. Just as point-of-purchase advertising is the most influential marketing strategy, the best time to influence socially responsible drinking is at the place where alcoholic beverages are sold. Server intervention, a prevention strategy that meets this criterion, contrasts with standard educational and awareness messages, which are delivered to a person when sober but have little influence on the behavior of that person when intoxicated.

Although server intervention training has intuitive appeal, its effectiveness must be the ultimate criterion for large-scale application. To that end, two of the authors of this article evaluated the effectiveness of a program entitled "Training for Intervention Procedures by Servers of Alcohol" (TIPS). This program was developed by Morris E. Chafetz, the founding director of the National Institute on Alcohol Abuse and Alcoholism and a member of the Presidential Commission on Drunk Driving. TIPS contains the critical elements for successful server intervention training identified by Mosher (1986) and is representative of server intervention programs in general (see Vegega 1986). The research assessed the potential of server intervention programs such as TIPS to decrease DUI by comparing trained servers with untrained servers in regard to (1) the exit blood alcohol concentration (BAC) levels of their patrons and (2) the amount of gratuities received. A recent report by the National Restaurant Association (Adelman 1985) revealed that the amounts of money restaurant customers leave as gratuities depend on their satisfaction with the service received. Since server intervention requires that servers pay closer attention to their patrons, increased gratuities may result. This, in turn, may influence the servers' motivation to apply their intervention skills.

THE TIPS PROGRAM AND THE STUDY DESIGN

During intervention training in TIPS, servers are given information on the physiological effects of alcohol that can help them identify specific warning signs indicating when a customer is about to overindulge. Next, servers are taught a variety of tactics for dealing with intoxicated customers or those who appear to be approaching their limits. For example, servers learn how to slow a customer's alcohol consumption by delaying drink service, offering food, or serving nonalcoholic beverages. Video vignettes are shown to help servers evaluate customers' behaviors and effective server interventions. Servers also participate in role-play situations that enable them to practice what they have learned and receive feedback regarding their knowledge, skills, and abilities in intervention techniques.

Throughout the training, servers are encouraged to share with the group personal experiences that will make the material more meaningful. At the conclusion of the TIPS training session all servers must answer correctly at least 28 questions on a 40-question written test (i.e., a score of 70 percent) in order to become certified servers.

The server intervention evaluation obtained direct measures of patrons' BAC levels and server gratuities both before and after servers received training in the TIPS program. Seventeen servers of alcohol and 32 research assistants, the latter posing as bar patrons ("pseudopatrons"), participated in the study. The study was conducted during 11 consecutive weeks in 2 bars in a rural university town. The TIPS-trained servers represented 50 percent of the serving staff in each bar.

Throughout the study, the pseudopatrons attempted to drink three alcoholic beverages per hour for 2 hours, an amount sufficient to exceed their legal limit of intoxication—a BAC level of .10 percent in a person weighing 170 pounds or less. The pseudopatrons did not know whether their server had been trained. In the event of server intervention (e.g., verbalizing "slow down" or "eat some food"), the pseudopatrons were instructed to react in their "normal" manner (e.g., "eat only if you are hungry"). Thus, while pseudopatrons entered the bar planning to consume approximately 1 drink every 20 minutes, there existed the possibility that server-intervention strategies would influence the rate at which alcohol actually was consumed.

One objective of the study was to investigate the techniques used by trained servers that resulted in lower BAC's. After all the pseudopatron data was collected, research assistants listened to tapes recorded during server-patron interaction. To analyze a tape, the research assistants tallied signs of alcohol impairment, or "intoxication cues," exhibited by the pseudopatrons. These cues included giggling, excessive loudness, loss of train of thought, and slurred speech. The assistants also categorized active server interventions (e.g., checking driver licenses for age information, offering food, asking who was driving) and more passive interventions (e.g., delaying the serving of a drink, delivering food and drink together instead of serving only an alcoholic beverage). In nine episodes (five during baseline and four during the posttraining period), poor sound quality made it impossible for research assistants to score the tape accurately; in these cases, the pseudopatrons scored their own tapes. On the remaining 40 tapes, 2 research assistants independently scored the tapes. The 2 scoring efforts by the research assistants achieved virtually identical results; in survey analysis terms, "intercoder reliability" was 99.5 percent that a particular sign of intoxication appeared during a pseudopatron episode and 98.5 percent that a specific type of intervention was practiced by the server during the episode.

DID TRAINING RESULT IN MORE FREQUENT INTERVENTIONS?

One basic question on the effectiveness of TIPS training was its application to the real world of beverage service: After receiving training, did servers apply the lesson of TIPS to their work by intervening more frequently when patrons ordered an increasing number of drinks? The experience of the pseudopatrons indicates that this was indeed the case in both bars. Figure 1 compares the cumulative mean interventions per drinks consumed for trained servers, the same servers prior to training, and a control group of untrained servers. The figure clearly illustrates that trained servers, on

Figure 1 **Interventions Per Number of Consecutive Drinks**

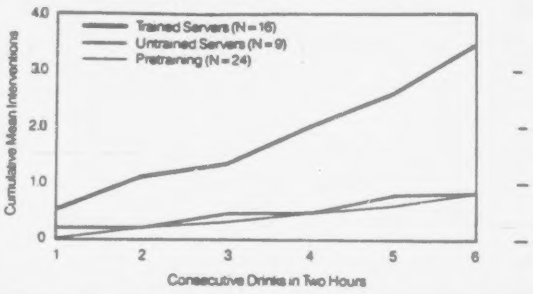


Table 1 **Type and Frequency of Server Interventions for Each Group by Drink**

Intervention	Baseline	Untrained	Trained
Drink #1			
Checked ID	2	1	5
Offered food or water	1	1	3
Delayed service	0	0	2
Explained a house policy	0	0	1
Drink #2			
Checked ID	0	0	1
Offered food or water	0	0	2
Delayed service	0	0	2
Commented on quantity/speed of consumption	1	0	1
Made driving-related comment	1	0	0
Drink #3			
Offered food or water	1	0	1
Delayed service	0	1	1
Commented on quantity/speed of consumption	1	1	1
Drink #4			
Offered food or water	0	0	4
Delayed service	1	0	4
Made driving-related comment	0	0	3
Explained a house policy	1	0	0
Drink #5			
Offered food or water	0	0	4
Delayed service	1	1	1
Commented on quantity/speed of consumption	1	0	2
Made driving-related comment	3	2	4
Drink #6			
Offered food or water	0	0	4
Delayed service	1	0	0
Commented on quantity/speed of consumption	0	0	2
Explained a house policy	0	0	1
Made driving-related comment	3	0	5
Put less alcohol in drink	0	0	1

Figure 2 **Pseudopatron Intoxication Cues Per Drink**

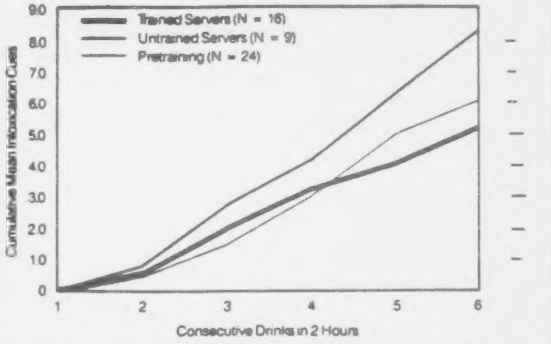
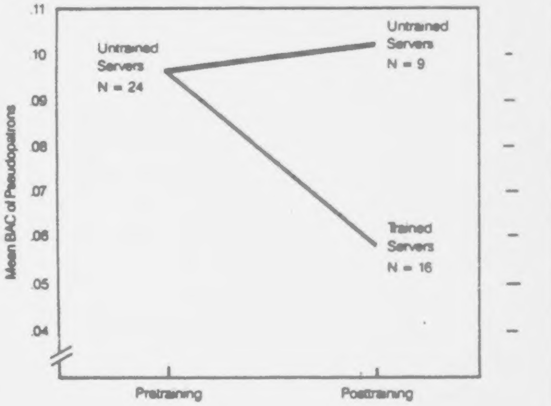


Figure 3 **Mean BAC of Pseudopatrons by Server Training Status**



average, attempted a greater frequency of intervention than servers without TIPS training. In statistical terms, the differences are highly significant (*p* less than .02 for the first drink; all remaining *p*'s less than .007).

The specific types of server interventions typically implemented by each group of servers were quantified, as shown in Table 1. The earliest interventions by trained servers took the form of checking driver licenses and offering food or water. Interventions by trained servers at the fourth, fifth, and sixth drinks consisted largely of continuing to offer food or water, delaying service, and making driving-related comments (e.g., asking who was driving or suggesting that a nondrinking partner drive carefully). Untrained servers demonstrated no pattern in their far less frequent interventions; the incidence of driving-related comments made by servers during the baseline period prior to TIPS training probably reflects their awareness of a police DUI enforcement roadblock operation that was in effect only during the baseline period.

DOES SERVER INTERVENTION AFFECT APPARENT INTOXICATION?

Figure 2 presents a cumulative record of cues of intoxication during pseudopatron episodes, compared with the number of drinks consumed by the pseudopatrons. Use of the statistical technique known as analysis of variance revealed that differences between the number of intoxication cues displayed by pseudopatrons served by untrained servers, servers who would later receive training, and servers who had completed TIPS training failed to achieve statistical significance. On the other hand, the figure shows that, on average, the pseudopatrons of untrained servers displayed more signs of intoxication after the third drink than did pseudopatrons of trained servers. For example, when the sixth drink had been served, the tapes showed that pseudopatrons of untrained servers had already displayed, on average, at least eight intoxication cues; in contrast, pseudopatrons of TIPS trainees had displayed, on average, only five cues.

DOES SERVER INTERVENTION REDUCE BLOOD ALCOHOL LEVEL?

Prior to TIPS training, 37.5 percent of the pseudopatrons left the bars legally drunk; the remainder left with blood alcohol concentrations in the range of .05 to .099. The average pretraining BAC level of pseudopatrons was 0.096. In contrast, no pseudopatrons served by a TIPS-trained server reached the legal level of intoxication. Slightly over half reached a BAC level of .05. The average BAC of pseudopatrons served by TIPS-certified servers was .059, within the BAC range of reasonable alcohol use.

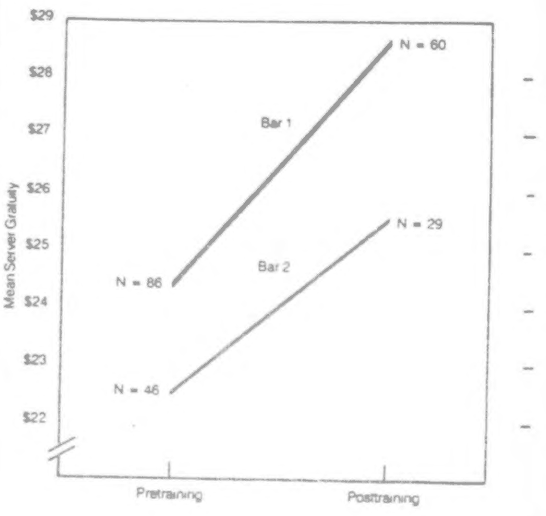
Because only half of the servers in both bars participated in the training, a number of the pseudopatrons were served in the posttraining phase by servers who were not trained in TIPS. Thus, it was possible to compare the exit BAC levels of pseudopatrons who had been served by TIPS-trained and untrained servers after the training period. There were no significant differences between the pretraining exit BAC levels of pseudopatrons and the BAC levels of those served by untrained servers in the posttraining phase. However, the BAC levels of pseudopatrons served by TIPS graduates were significantly lower (p less than .01) than those obtained among pseudopatrons prior to training or served by untrained servers in the posttraining phase. These results are depicted in Figure 3.

DID TIPS AFFECT SERVERS' TIPS?

Because of the desire for anonymity in the reporting of server gratuities, the results of this analysis were hampered by difficulty in separating trained from untrained servers. In addition, despite the precautions taken to dissociate server names from their gratuity reports, many servers were reluctant to reveal gratuity information.

Analyses conducted on the available data compared the average gratuity reported before and after training in each bar. Because of extreme variation in the size of gratuities observed throughout the study, the differences observed at each bar were not statistically significant. However, there was an increase in the mean dollar amount of reported gratuities at both locations following the TIPS training. At Bar 1, the average amount increased from a mean of $24.48 per report before training to $28.75, a 14 percent increase. Servers at Bar 2 reported a 12 percent increase in gratuities, from an average of $22.57 before training to $25.62 after training. These results are shown in Figure 4.

Figure 4 **Mean Server Gratuity by Training Status and Bar**



IMPLICATIONS OF THE EVALUATION

The evaluation study provided at least preliminary empirical evidence of a beneficial impact of server intervention training. The results showed that pseudopatrons of TIPS-trained servers had significantly lower BAC levels compared with BAC levels of those served by untrained personnel. Moreover, the evaluation indicated that, during the study period, effective server intervention was reflected in the behavior of TIPS-trained personnel on the job.

Despite this apparent success, the researchers advise caution in generalizing to other situations and have suggestions for future evaluation research on server intervention techniques. For example, in this study all servers were initially informed that management had agreed to the study and that they might be serving a pseudopatron. Thus, the willingness of each bar owner to sponsor the training could have motivated the servers to intervene. Focus group study before the development of the TIPS program revealed that servers were reluctant to cut patrons off because they believed that to do so was contrary to management goals. Skills-training programs such as TIPS unite management and servers in achieving a common goal: preventing alcohol abuse. Despite this, the level of server intervention was negligible during the pretraining phase of the study. Likewise, during the posttraining phase, untrained servers allowed almost half their pseudopatrons to reach the legal limit of intoxication. This suggests the remarkable DUI-prevention potential of server intervention training.

The application of these pseudopatron results to the general population of "real" patrons must be investigated. While the pseudopatrons were not identified as study participants by the servers, the pseudopatrons may have behaved differently from real patrons (Russ and Geller, in press). Since pseudopatrons were more aware of server intervention than a naive patron, inadvertent positive reaction by pseudopatrons may have encouraged the servers' intervention efforts. In addition, the striking impact of server intervention on reducing patron BAC's may be less dramatic when applied on a larger scale. That is, changes in BAC's may be obscured in a real patron sample as BAC variance increases due to individual differences in alcohol tolerance and rates of alcohol metabolism.

Further investigation should focus on the long-term maintenance of server intervention behaviors. Many of the TIPS-trained servers were university students who moved out of the area soon after the study ended. The current means used by TIPS to address the maintenance concern is to certify servers for 3 years. After this period, a trained server must retake the entire course. This may not be sufficient to ensure continued use of server intervention skills, however. Servers probably will not practice server intervention unless management and peers support such behavior. Further investigation is needed to define management policies and environmental conditions for motivating long-term use of server intervention skills. The potential for increased gratuities that was suggested by this initial evaluation also may serve as a natural reinforcer for the maintenance of server intervention behaviors and policy.

The results of this study have important implications for large-scale approaches to combat the problem of alcohol-impaired driving. Since server intervention can be tailored to each drinker, it may be more influential than public service announcements directed at larger segments of the population. Also, since server intervention is concerned with drinking immediately preceding a potential DUI situation, such behavior change attempts will be more effective than the standard education and awareness approaches that attempt to modify intentions to behave long before an opportunity to respond is available. Moreover, the cues and events that occur during the drinking situation may negate any beneficial effects of sober driving messages presented outside the drinking situation.

The complexity of skilled server intervention and the emotional nature of the drunk driving issue require strong emphasis on quality control. It is hoped that the evaluation study described here was only the beginning of a series of field investigations relevant to developing an empirical understanding of environmental factors, management policy, serving behaviors, and training practices that reduce the incidence of driving under the influence of alcohol. ■

Editor's Note: *A more technical description of this study is provided in Russ and Geller's "Training Bar Personnel to Prevent Drunken Driving: A Field Evaluation,"* American Journal of Public Health, *in press.*

E. Scott Geller, Ph.D., is professor of psychology at Virginia Polytechnic Institute and State University.

Nason W. Russ is a Ph.D. candidate at Virginia Polytechnic Institute and State University.

William A. Delphos is past president of Health Communications, Inc., which markets the TIPS program.

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Mr. **Anderson**. Are there any more questions? Well, Les, I think you can still make it to lunch.

Mr. **Lamm**. Thank you, Mr. Chairman.

Mr. **Anderson**. Thank you very much.

[Mr. Lamm's prepared statement follows:]

Highway
Users Federation
FOR SAFETY AND MOBILITY

Statement of

Lester P. Lamm

President

Highway Users Federation

Before the

Subcommittee on Surface Transportation
House Public Works Committee

on
Highway Safety Priorities to the Year 2000

March 15, 1988

Mr. Chairman and members of the Subcommittee on Surface Transportation, I am Lester P. Lamm, President of the Highway Users Federation. I appreciate this opportunity to appear before the Subcommittee to share with you the results of a symposium we sponsored last year to develop "Highway Safety Priorities to the Year 2000".

The Highway Users Federation is a national coalition of businesses, industries, and associations, working cooperatively to make America's highway transportation system safer and more efficient. Our membership, composed of more than 400 companies and industry associations, 62 affiliated state and local highway user conferences, and more than 2000 individual business men and women, represent the chief users of highways and the main providers of highway transportation products and services. Our affiliated organization, the Automotive Safety Foundation has for 50 years been at the forefront in highway safety planning.

Last spring the Trustees of the Automotive Safety Foundation and the Executive Committee of the Federation's Board of Directors urged our staff to examine emerging highway safety problems and countermeasures. They were concerned that highway safety issues appeared to be increasingly fragmented, with little or no coordinated, long-term focus. To accomplish that charge we hosted a workshop of leading public and private sector highway safety specialists to identify realistic, high-payoff traffic safety measures to be implemented between now and the year 2000.

Two major goals emerged as a result of our workshop. One is the overall target goal of reducing the traffic death rate from the current 2.5 to no more than 1.5 fatalities for every 100 million vehicle miles driven in the U.S. by the year 2000. The second goal, the most important method of reducing death and injury, is to achieve safety belt use laws in every state and to achieve a 70% national use rate by 1990. These goals and other specific recommendations are contained in our report which we published in January 1988 titled "Highway Safety Priorities to the year 2000". We provided copies to your Committee at the time of its release.

In releasing our report Richard T. Ashman, Chairman of the Automotive Safety Foundation and Vice President, Public Affairs, of Holiday Corporation stated, "the current mileage death rate reflects the lose of some 46,000 lives a year on the nation's highways. With road travel increasing at more than 4 percent a year nationally, the annual death toll could reach 80,000 by the year 2000 unless the death rate is lowered. Such an increase in the death toll is unacceptable. We must begin now to take steps needed to lower the mileage death rate."

The specific actions or programs recommended in the report are presented under four sections. The first three sections of the report represent each of the traditional elements of the Highway safety problem -- the Human, Vehicle and Roadway Environment. The fourth section deals with another important component of traffic safety, System Support.

The priority actions recommended by the workshop participants in reaching the goal of 1.5 mileage death rate by 2000 are:

- SAFETY BELT USE LAWS IN ALL STATES AND 70 PERCENT COMPLIANCE IN STATES WITH BELT LAWS BY 1990

- EDUCATION PROGRAMS TO INFORM THE PUBIC ON THE USE AND BENEFITS OF PASSIVE RESTRAINTS AND MANUAL SEAT BELTS

- EXPANDED ALCOHOL EDUCATION PROGRAMS TO REDUCE DRUNK DRIVING

- o INCREASED TRAFFIC LAW ENFORCEMENT
- o UNIFORM COMMERCIAL MOTOR VEHICLE OPERATOR LICENSING
- o IMPROVED COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING
- o IMPROVED ROADWAY SIGNING, MARKING AND DELINEATION AND HAZARD ELIMINATION
- o UNIFORM DATA COLLECTION AND ANALYSIS SO THAT PROBLEMS CAN BE IDENTIFIED AND PROGRESS ASSESSED

Clearly, the enactment of safety belt use laws in all 50 states and achieving at least a 70 percent use rate in all states is the number one recommendation between now and the year 2000. Use of occupant restraints can do more to save lives and reduce injuries than any other safety activity. It was also recognized by conferees that as passive restraints - air bags or passive belts - become increasingly available, there needs to be a concerted public education program on their benefits in combination with belt laws and belt usage. The full benefits of air bags are only realized when used in conjunction with seat belts.

We believe the recommendations contained in our report truly set the agenda for highway safety planning for the next 12 years. These actions are being reenforced at a series of public hearings being conducted by the Federation and the American Association of State Highway & Transportation Officials on Transportation 2020, looking for suggestions for future transportation policy and program directions for the U.S. As we look toward the next century we are hearing of a real national need for additional enforcement personnel to maintain growth with vehicle mileage, vehicle registrations, and number of licensed drivers.

We will be working with public and private sector officials to implement the recommendations in our report and we would hope that this Subcommittee would also encourage implementation of all the recommendations in a timely manner.

In addition to our efforts to develop highway safety priorities to the Year 2000, I'd like to tell you about our efforts to improve Commercial Motor Vehicle Operator Training Programs.

The Highway Users Federation is providing ongoing technical support to the Professional Truck Driver Institute of America (PTDIA) as part of a multi-faceted effort to advance tractor-trailer driver training, proficiency, and professionalism to the highest standards attainable.

In this critical safety effort, initiated and established by the trucking industry and its safety allies, the Federation is working with the PTDIA to:

o prepare standards and documents to guide and govern a voluntary program to evaluate and certify the quality of tractor-trailer driver training programs and their curriculum.

o implement and establish the certification process to identify which driver training programs meet the standards.

o develop instructional, technical, and training materials needed to make the certification program work to its fullest potential.

The program is now in the midst of its trial implementation phase. Full implementation will be underway by early summer.

Thank you. I'd be pleased to answer any questions.

Mr. **Anderson**. That completes today's hearing. We will convene at 9:30 a.m. tomorrow to receive testimony on the economic regulation of the motor carrier industry and then next Wednesday, March 23, at 10 a.m. to continue our examination of highway safety issues. With that we stand in recess.

[Whereupon, at 12:45 p.m., the subcommittee recessed, to reconvene Wednesday, March 23, 1988.]

HIGHWAY SAFETY ISSUES

WEDNESDAY, MARCH 23, 1988

House of Representatives,
Subcommittee on Surface Transportation,
Committee on Public Works and Transportation,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:13 a.m., in room 2167, Rayburn House Office Building, Hon. Glenn M. Anderson (chairman of the subcommittee) presiding.

Mr. **Anderson**. The subcommittee will come to order.

Before we proceed to hear from our witnesses, we will have the prepared statements of our committee colleagues Mr. Hammerschmidt and Mr. Shuster included in the record at this point. Without objection, so ordered.

[The statements of Mr. Hammerschmidt and Mr. Shuster follow:]

Statement by Hon. John Paul Hammerschmidt

Thank you Mr. Chairman. I want to commend you for your continuing concern for the safety of those Americans who travel on the Nation's highways.

By scheduling this hearing, this subcommittee can examine the initial results of a controversial decision made by Congress just over 1 year ago. Approximately this time last year, the House passed H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. One of the hotly contested issues associated with this legislation was whether the States should be permitted to raise their speed limits on rural interstates.

Today we will receive testimony on the status of the fatalities on the Nation's highways since the speed limits were raised by 40 States. I hope today's hearings will not only clarify some of the statistics being used but will provide a basis for future decisions.

Statement of Hon. Bud Shuster

Mr. Chairman, I am pleased we are holding the hearings today as a continuation of those held on March 15, to investigate the safety of our Nation's highways.

This last year, Congress enacted a 65 mph speed limit. This will probably be the most important factor in gauging highway safety since 1982 with the enactment of the 21-year-old drinking age.

1987 saw a decline in highway fatalities to an all time low of 2.4 deaths per 100 million miles. This I believe is due in a large part to State seat belt laws and the increased awareness of the tragedies involved in driving while intoxicated.

This year Congress will be wrestling with such issues as drug testing, the commercial zone exemption, the speed limit compliance formula, and overall truck safety. I look forward to hearing from our witnesses to learn their perspective on these issues.

Mr. Chairman, I look forward to hearing from our witnesses.

Mr. **Anderson**. We do have one of our witnesses before us, Hon. Barbara Kennelly, a Member of Congress from Connecticut.

We do have your prepared statement, Barbara, so it will be made a matter of the record in its entirety. The floor is yours.

TESTIMONY OF HON. BARBARA B. KENNELLY, A REPRESENTATIVE IN CONGRESS FROM CONNECTICUT

Mrs. **Kennelly**. Thank you, Mr. Chairman.

Thank you for allowing me to testify before your committee today.

I would like to state up front, Mr. Chairman, that I have been an opponent of increasing the 55-mile-per-hour speed limit. This limit originally came from legislation in 1974 as a temporary fuel conservation measure and has proven to be an efficient way to save fuel.

But my concern and what I want to talk about this morning, Mr. Chairman, is the fact that the 1974 legislation really turned out to be a measure to save lives. We have all sorts of research which points out that as a result of the 55 speed limit anywhere from 2,000 to 4,000 lives are saved each year.

But that is not why I am here this morning. I want to talk to you, Mr. Chairman, about a concern I have about a matter which is unfair.

If we allow a higher speed limit, I am concerned about the failure of last year's highway legislation to include compliance provisions for interstate highways which now have the 65-mile-an-hour speed limit.

As you well know, Public Law 100-17 allowed States to raise the speed limit on rural interstates from 55 to 65 miles per hour. But the law did not require enforcement of the higher speed limit on those roads as it does for roads with the lower speed limit. This seems to me to turn the world on its head. Stricter compliance should be required on roads with the higher speed limit, not on the roads with the lower one.

Now, my State of Connecticut has chosen not to raise the speed limit. This decision was not reached arbitrarily, but rather because safety considerations in the State require it. However, my State and nine others, including New Jersey and New York, face the continual risk of financial sanctions since we choose to remain at 55 and not go higher.

The Federal Highway Administration pointed out that the exclusion of 65-mile-per-hour roads from compliance criteria enables some States to certify compliance with the 55-mile speed limit enforcement requirements in fiscal year 1987 whereas they were not able to comply in the fiscal year 1986.

By omitting compliance criteria, we make it easier for these States to meet criteria on the roads remaining at 55, while not necessarily improving safety on all roads.

Connecticut is in compliance for fiscal year 1987. We could potentially have lost $4 million in Federal highway aid. The omission of the Federal compliance standards for 65-mile-per-hour creates an unfair burden for those 10 States which remain at 55.

The National Highway Traffic Safety Administration reported that from May through June 1987 traffic deaths on rural interstates in States which raised their speed limit to 65 rose by 52 percent. This data may foreshadow a disturbing trend in highway fatalities. We should do all we can to see that this trend does not continue. We could repeal the 65-mile-per-hour option, but the absolute minimum, Mr. Chairman, is that we must do something to enforce the speed limit on roads that are 65. We must require all States to face penalties for not complying with the law.

Mr. Chairman, it is beyond my comprehension that we have a situation in which if you choose to have 55-mile-per-hour speed limit, you are monitored and have to comply with Federal requirements. But if in fact you have chosen to raise the 65-mile-per-hour speed limit to 65 mph, there is no requirement to monitor. And that means that you don't get any penalty if you go 65, 75, 85, or 95 mph.

Now, Mr. Chairman, I am a former secretary of the State, and also as a Member of Congress like you, we all worry about voter turnout. We wonder why more of our voters don't come out to vote. We are concerned about this. It threatens our whole system of government. Yet, in my travels as secretary of the State, I have found that many of the people in our country, in our cities and our States, don't think our Government relates to them because of some of the things we do. Some of the things just don't seem to them to have any common sense.

Now, if the citizens realized what has happened because of this additional legislation, if they realize that if you have a 65-mile-per-hour speed limit and you aren't be monitored, but if you have 55 as your top speed limit because you have traffic problems, you are monitored and can be penalized, it just doesn't make any sense, Mr. Chairman, Mr. Anderson.

I just urge you, to look at this situation and bring some order and some common sense to it. I fear this will bring out the cynicism in our citizenry and, as a result, they will wonder what we are doing down here.

I thank you for letting me appear before you this morning. Connecticut will indeed continue to comply with the current laws. But the existing situation disturbs us terribly, and I hope we can take steps to correct it.

Thank you, Mr. Chairman.

Mr. ANDERSON. Well, thank you, Barbara, for your presentation. I have a couple of questions. First, Barbara, the National Academy of Sciences has found that the 55-mile-per-hour speed limit to be one of the most effective highway safety policies ever adopted by the Congress, resulting in the saving of 2,000 to 4,000 lives per year.

However, the National Academy of Sciences did recommend that the Federal Government alter its method of monitoring State compliance to incorporate a point system that better reflects the safety risk associated with different types of speeding violations.

Here's my question: Would you support the National Academy of Sciences' recommendation to alter the method of monitoring State compliance for the 55-mile-per-hour and the 65-mile-per-hour posted highway?

Mrs. KENNELLY. Yes, I would, Mr. Chairman, because I think that suggestion does make sense. It means that if in fact you do comply with the speed limit, then you are rewarded by this point system. But on the other hand, if you go above that speed limit and you don't comply with it, then there is some penalization. You know, that makes sense. So, yes, I would support that suggestion.

Mr. **Anderson**. We, in California, have kind of a confusing situation, also. We have the 65-mile-an-hour speed limit, but we also have areas where we have the 55-miles-per-hour speed limit. If a person is driving in the 55-mile-per-hour area and violates the speed limit there by going 57 or 62 or something, we are sanctioned. But if they go in the 65-mile-an-hour area and violate that, there is no sanction. It's just kind of silly. You can violate a 65-mile-an-hour and go 80 miles an hour and there is no sanction against it. But if you go in a 55-mile-per-hour area and only go 58 or 60, you get sanctioned.

It is kind of silly, and there is going to be legislation introduced.

Mrs. **Kennelly**. Mr. Chairman, we even sound silly talking about it.

Mr. **Anderson**. Yes. [Laughter.]

Mrs. **Kennelly**. Thank you, sir.

Mr. **Anderson**. Well, I am not through, Barbara. My second question is that as speeds have increased, the States have encountered more difficulty in satisfying the compliance requirement for at least 50 percent of the motorists traveling at 55 miles per hour or below. If the States are found to be out of compliance with the law, the Secretary of Transportation is authorized to withhold up to 10 percent of the State's Federal aid highway construction funds.

My question is: Do you feel that the existing sanctions for noncompliance with the 55-mile-per-hour speed limit is an effective mechanism to encourage the States to enforce the speed limit laws? That is my question, and I pose the answer that we make it a little more consistent.

Mrs. **Kennelly**. I would have to say yes. Mr. Anderson, because in my research and my work concerning this question, I have found some individuals within the transportation system, within the Federal Department of Transportation, and particularly the State Departments of Transportation, that really would like to do away with all the monitoring. It's time-consuming and it's an extra job, and they feel a little bit put upon.

However, I do feel that they do sincerely take it seriously and do carry out that monitoring, and as result there is compliance with what the whole thing is about: the speed limit. So, I think it has worked. I think the 10 percent penalty is strict enough to make people wake up and be aware of it. I mean, if you were in jeopardy of losing 10 percent of your transportation funds, you're going to make sure that you do that monitoring and people are aware of it.

So, I think it has worked up to now, and I think the easiest thing we could do is just provide for monitoring for all roads. I would go along with the suggestions to change the penalty system as long as it made sense and it would keep people within the speed limit.

Mr. **Anderson**. Has there been a trend in Connecticut towards increased speeds?

Mrs. **Kennelly**. As I have said, Mr. Chairman, we did comply. I am not here because we didn't comply and we're being penalized under the 55 situation. I am here because I just think it's arbitrarily unfair.

Now, you asked me the question, Mr. Chairman, and we have a Governor totally dedicated to highway safety and the prevention of speeding. So, as a result, we might want to speed, but we have a pretty good record about not speeding. I think the the 55 mph speed limit has had a lot to do with it. You and I know that there are many states which raised the speed limit to 65. But of course, my reason for being against 65 was I knew those able to drive 65 mph would end up driving much higher speeds.

Mr. **ANDERSON**. Do you think there is a perception by the driving public that it is all right to drive 65 even though the speed limit in Connecticut is still 55 because of the publicity surrounding the enactment of the 65 legislation?

Mrs. **KENNELLY**. Well, I think it would have to depend upon the road we're talking about. As you know, Mr. Chairman, we are a very highly populated, high-density State, and if you have any common sense, you wouldn't drive higher on these interstates because it really is unsafe.

But I think, as I said, and I want to reiterate, if it's 55, I think there is inclination to go 65. And once again, having raised the speed limit to 65, those same people in the other States would tend to drive at higher speeds. I was recently in one of those States where I saw them doing it; it was marked 65 and they're going 75. So, I think we have a real safety situation here with which we must be concerned. But I will tell you, if we don't obey the law in Connecticut, we're human. And we are committed to safety on our highways.

Mr. **ANDERSON**. Now, does the failure to have compliance standards on 65-mile-per-hour routes provide States with a financial incentive to focus their enforcement efforts only on the 55-mile-per-hour posted routes and ignoring enforcement of the 65-mile-per-hour routes?

Mrs. **KENNELLY**. I believe, sir, that my State is all 55 and remains all still 55 So, I wouldn't know the answer to that question.

Mr. **ANDERSON**. Thank you.

Mr. Shuster.

Mr. **SHUSTER**. Thank you, Mr. Chairman.

I have the privilege of serving with Mrs. Kennelly also on the Select Intelligence Committee, so I know her to be one of the most thoughtful and dedicated Members of the Congress.

We certainly welcome your testimony here today. I agree with the points you are making. I have no questions. I simply want to thank you for contributing to these hearings.

Mrs. **KENNELLY**. Mr. Shuster, isn't it nice to be in this lovely room and not where we usually are?

Mr. **SHUSTER**. That's right. In the Select Intelligence Committee, we are locked in.

Mrs. **KENNELLY**. Claustrophobic.

Mr. **SHUSTER**. We're in an enclosure where nobody outside can hear what we're saying. Sometimes we can't hear what we're saying.

Mrs. **KENNELLY**. Yes. Thank you, sir.

Mr. **ANDERSON**. Ms. Slaughter?

Mrs. **SLAUGHTER**. No questions, Mr. Chairman.

Mr. **ANDERSON**. Mr. Hammerschmidt?

Mr. **HAMMERSCHMIDT**. Thank you, Mr. Chairman.

I don't have any questions, but I want to thank Barbara Kennelly for giving us fine testimony this morning.

Mrs. **Kennelly**. Thank you very much.

Mr. **Hammerschmidt**. Thank you very much.

Mr. **Anderson**. Mr. Kolter.

Mr. **Kolter**. I have no questions, Mr. Chairman.

Mr. **Anderson**. Well, we're doing great. Now we can get up to the guy who will have a question, Ron Packard.

Mr. **Packard**. I haven't any questions, Mr. Chairman. [Laughter.]

Mr. **Anderson**. You haven't? Well, you threw me.

All right.

Mrs. **Kennelly**. Thank you, sir.

Mr. **Anderson**. Thank you very much, Barbara, for an excellent presentation.

[Mrs. Kennelly's prepared statement follows:]

STATEMENT OF THE HONORABLE BARBARA B. KENNELLY BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION

MARCH 23, 1987

Thank you Mr. Chairman for the opportunity to testify before your Committee today. It has been several years since I enjoyed the privilege of sitting on this Committee and working directly on highway safety issues. I would first like to state for the record that I have strongly opposed all attempts to raise the speed limit. The 55 mile per hour speed limit, originally enacted in 1974 as a temporary fuel conservation measure, has proven to be an efficient way to conserve fuel, according to the National Research Council. However, the law has done much more than save fuel. It has saved lives. The Transportation Research Board of the National Academy of Sciences has documented a reduction in serious accidents. According to the Academy, the 55 mile an hour limit saves roughly 2,000 to 4,000 lives each year.

But if we allow a higher speed limit, then I am concerned about the failure of last year's highway legislation to include compliance provisions for those interstate highways which now have a 65 mile an hour speed limit. Public Law 100-17 allowed states to raise the speed limit on rural interstates from 55 to 65 miles per hour. But the law did not require enforcement of the higher speed limit on these roads, as it does for roads with the lower speed limit. This seems to me a world turned on its head. Stricter compliance should be required on roads with the higher speed limit, not the lower one.

The State of Connecticut has chosen not to raise the speed limit. This decision was not reached arbitrarily, but rather, because safety considerations in the state required it. However, my state and nine others including New Jersey and New York face the continual risk of financial sanctions since we choose to remain at 55, and not go higher.

The Federal Highway Administration pointed out that the exclusion of 65 mile per hour roads from compliance criteria enabled some states to certify compliance with the 55 mph speed limit enforcement requirements in Fiscal Year 1987, whereas they were not able to comply in Fiscal Year 1986. By omitting compliance criteria, we make it easier for those states to meet criteria on the roads remaining 55 while not necessarily improving safety on all roads.

Connecticut is in compliance for fiscal year 1987.

But we could potentially lose $4 million in federal highway aid. The omission of federal compliance standards for 65 mph creates an unfair burden for those 10 states which remain at 55.

The National Highway Traffic Safety Administration reported that from May through July 1987, traffic deaths on rural Interstates in states which raised their speed limit to 65 rose by 52 percent. This data may foreshadow a disturbing trend in highway fatalities. We should do all we can to see that this trend does not continue. We could repeal the 65 mile per hour option. But the absolute minimum we must do is to enforce the speed limit on roads that are 65. We must require all states to face penalties for not complying with the law. I urge the Chairman to take action and I look forward to working with the Committee to improve highway safety.

Mr. ANDERSON. I would like to welcome my friend from Connecticut, who was, to my knowledge, the very first Member of Congress to look at the issue of handicapped parking and championed the cause, and I am talking about Congressman Sam Gejdenson.

TESTIMONY OF HON. SAM GEJDENSON, A REPRESENTATIVE IN CONGRESS FROM CONNECTICUT, ACCOMPANIED BY RUBY DeGIOVANNI, MIDDLETOWN, CT AND HON. THOMAS A. LUKEN, A REPRESENTATIVE IN CONGRESS FROM OHIO

Mr. GEJDENSON. Let me first introduce Ruby DeGiovanni, who first brought this issue to me some 3 years ago, and thank the committee for the language included in the last transportation bill which authorized and instructed the Secretary of Transportation to conduct a study on this issue.

One of the most frustrating aspects of this battle which I have been involved with now, I think, for 3 or 4 years is when you talk to the various States, you always get the answer, "Yes, we accept other States' handicapped parking stickers. We have reciprocity." And when you take a look at highway safety and how it impacts the handicapped accessibility to parking places, it is as critical an aspect in the number of people that are traveling this year.

The 6.5 million disabled Americans have won some great victories in recent years. Increasingly large numbers of public buildings, schools, and churches are now accessible, and handicapped parking has won the right for special parking places in all the States of the Nation.

Unfortunately, as a result of your study and information we had before, it is clear that in 35 States there is not universal acceptance of other States' parking emblems and stickers, and even in most of the States where they make a good-faith effort to support other States' parking stickers and emblems, oftentimes the great variety of the location of these stickers and emblems creates such confusion that people are still penalized.

It turns out that one of the young people on my staff's roommate who just moved here from Colorado, where apparently the handicapped symbol is a tag hung from the mirror, who has been here for less than 2 months and as a handicapped person has gotten parking tickets in Virginia, Maryland, and Washington, DC, even though the sticker has been displayed the whole time.

We have a provision that provided some stiffer penalties. The Senate, in another bill, has already accepted a 2-percent withholding, and we are not looking to penalized the States. That is the last thing we want. But the reality is that what we need is just a little bit of inertia to get this process moving.

My first action was not to introduce legislation. My first action was to call up the State Motor Vehicle Association and say, "Look, guys, here's the problem. Why don't you pick one standard or two standard designations for handicapped parking permits? You know, we don't need Federal legislation for this because it's easy enough to solve without us."

Well, it has been 3 or 4 years, and they are still talking about coming up with one standard and having each State designate the same kind of emblem for this. But the fact is that the recent study that this study authorized acknowledged that State efforts are insufficient. The police officer on the beat can't be expected to understand that Colorado hangs it from the mirror on the inside of the car and some people have it on the front windshield, some have it on the back windshield, some have it on the license plate, some States have two license plates, other States have one plate, some States have a separate plate.

In that confusion, the sad fact is that in the normal course of activity, people who have handicaps and ought to have this privilege and right are victimized. It happens in small States in the East and large States in the West. But in the East, where oftentimes you may live in Connecticut but shop in Rhode Island, Massachusetts, New York, or you may go see your doctor in any of those States, for all the people on the borders and vice versa this tends to be a serious problem.

What we have seen and have had testimony at some of the hearings we have held back in Connecticut is that a person leaving their car with a walker from a handicapped parking space was told to move the car as they were trying to get to their spot with a walker. And when told they had a Connecticut emblem, they said, "Well, I'm sorry, this is Massachusetts." Massachusetts is a State that is supposed to have reciprocity with Connecticut.

I think that this bill or mine or Mr. Luken's bill, H.R. 3840 or H.R. 1442 will accomplish the same goal. It is not a big deal, it is just trying to get their attention.

You know, it's the old story Mo Udall tells about the minister that sold the mule, and a week later he brought by a two-by-four. He says, "What's this for?" He says, "First you've got to get their attention."

Well, the 2 percent is just to get their attention. We hope we don't use it. We certainly don't want any State to lose funding, but it would be awfully hard for some State administrator to explain why he lost 2 percent of the highway safety funds because he simply failed to get involved in this standardization of stickers.

With that, Ruby has a short statement.

Mr. **Anderson**. Before that we will welcome Congressman Tom Luken.

Mr. **Gejdenson**. Oh, good.

Mr. **Anderson**. He is right behind you there.

Mr. **Gejdenson**. Come on up.

Mr. **Anderson**. We do have your prepared statement, and it will be made a matter of the record in its entirety.

Mr. **Gejdenson**. Thank you. I appreciate that.

Mr. **Anderson**. Now, if you wish, Mr. Luken, we would like to hear from you.

Mr. **Gejdenson**. I would like to let my colleague here make his statement, and then we can go forward with our further comments.

Mr. **Anderson**. Fine.

Go ahead, Tom.

Mr. **Luken**. Thank you, Chairman Anderson.

I am glad to follow Mr. Gejdenson and to subscribe to the comments that he has just made. The present system for dealing with handicapped parking is certainly flawed. State Governments across the Nation allocate parking spaces for handicapped citizens in their own State and make available special license plates and removable placards to identify cars which are able to access these parking spaces.

However, in many cases, local law enforcement officials either do not recognize or do not honor the handicapped designation used by the other States. That is the problem, as you have just heard.

Under this system, handicapped citizens are at a disadvantage as they seek to travel from State to State. Unfair burdens tantamount to discrimination have long been imposed on the handicapped traveler. On December 22, 1987, I introduced legislation to relieve disabled individuals of the discrimination they incur every day as they seek to travel interstate. The bill is H.R. 3840 and would implement a uniform Federal system for handicapped parking.

In my district alone, not to mention other districts across the United States, many handicapped persons have suffered these injustices for such ordinary purposes as employment, medical treatment, or visiting friends and family.

I can mention a case in point, Mr. Chairman, of Mary Ellen Douglas, a citizen in my home district in Cincinnati. She had driven a handicapped friend, a resident of Michigan, to a shopping mall in Cincinnati. After parking, she placed her friend's handicapped zone permit in the windshield. Mrs. Douglas was then slapped with a $79 ticket because Ohio is one of the many States which does not recognize handicapped plates or placards from out of State.

Though Ms. Douglas' case was dismissed in court, both she and her friend were caused to experience much worry, inconvenience, and unnecessary hassles.

Today, most Americans count on the use of an automobile to conduct their routine business. Citizens with disabilities who travel by automobile must be sure that they have access to these spaces already allocated by the various States.

The lack of uniformity is the problem regarding handicapped license plates. But more than that, a safety issue arises when handicapped individuals travel out of State and are unclear as to whether or not they will be ticketed or towed by the local police for parking in a space allocated for the handicapped. They are then forced to park long distances from their destination, incurring great hardship and are then vulnerable to accident as they traverse busy streets and shopping malls.

In a study recently by DOT, DOT recommends leaving it up to the States to remedy the situation. That is unfortunate. This very serious problem faced by the 6.5 million disabled Americans in this country will not go away and will not be resolved by leaving it up to the various States. Federal legislation is necessary to eliminate the barriers which have been erected. Legislation such as that passed in the Senate last year and that introduced by myself, Mr. Gejdenson, and joined today by as many as 28 of our colleagues, has been designed for this very purpose.

The bill, H.R. 3840, which I subscribe to—and I agree with my colleague, but the important thing is to get uniformity in one piece of legislation or the other. I have no pride of authorship in one. I think it is unfortunate that in this kind of legislation we necessarily have to put some incentive in it to get attention or whatever.

But I do think we have to put some teeth into it, and this bill would impose a uniform Federal system for handicapped parking by adopting the international symbol of access as the uniform Federal symbol.

Further, it would put some teeth in it by withholding 2 percent of the Federal-State highway funds, and that is the reason this is before your subcommittee, before your committee.

I urge this legislation, which is essential to ensuring these rights of handicapped citizens, and I hope that we can move it along.

I thank you, Mr. Chairman.

Mr. ANDERSON. Thank you, Tom.

Mr. LUKEN. Well, thank you for receiving that and for being so hospitable this morning.

Mr. GEJDENSON. As I introduce Ruby, from Middletown, I think it speaks to our whole political system that instead of just getting angry and frustrated, Ruby called up her Congressman, who turned out to be me, and that's why we got involved in this process a while ago.

I think that it's a lesson for all citizens, that they ought to have faith in the system, stay involved, and it takes some stick-to-itness, but we are moving down the highway.

Mr. ANDERSON. You mean that Ruby is so good that she called you, and that's what made you good?

Mr. GEJDENSON. That's right. [Laughter.]

Mr. ANDERSON. Ms. DeGiovanni, the floor is yours.

Ms. DEGIOVANNI. My name is Ruby DeGiovanni, and I am from Middletown, CT. Thank you for giving me the opportunity to come to Washington to talk about my own personal experience with the handicapped parking problem. As a handicapped person who is dependent on my car to get around, I am very happy that the subcommittee is debating this issue, an important issue.

Four years ago I obtained a handicapped parking sticker from the State of Connecticut because I have severe arthritis and a knee replacement. I have a lot of trouble walking, and handicapped parking spaces allow me to get around more safely and quickly.

Three years ago I went to Salem, MA, for a doctor's appointment. After the appointment I stopped in Lynn, MA, to get something to eat before I drove back to Connecticut. I pulled into a handicapped parking space at the restaurant, as I would do if I were at home. A Massachusetts policeman immediately challenged my right to park in the spot because I didn't have a Massachusetts handicapped permit. He told me that Connecticut handicapped people were not allowed in these spaces. As I couldn't afford a parking ticket, I parked on the other side of the parking lot and made my way slowly to the restaurant.

What happened in Massachusetts bothered me for 2 months. I thought, if I had been kicked out of the handicapped parking spot, it must have happened to other handicapped people.

I contacted Congressman Gejdenson, who made every effort to resolve this situation with legislation. Unfortunately, there is no way around it. Without Federal legislation, some States will let me park; others will not.

I have talked to many other handicapped people while getting citizens to sign a petition demanding action on the handicapped parking issue. I can tell you that my case is not isolated. Some handicapped friends have received tickets from $50 to $100 in New York and Florida.

Another handicapped person from neighboring Rhode Island received a parking ticket while using a handicapped parking slot in my home State of Connecticut. I also recently heard about a woman suffering from multiple sclerosis who was ticketed when she and her Air Force husband tried to use a handicapped parking spot in Nevada. They only had a New Hampshire permit.

I think it is extremely unfair that States are allowed to discriminate against out-of-State handicapped people when States are allowed to ticket people for merely exercising their rights to a handicapped parking space. It discourages handicapped people from going out. When handicapped people travel out of State, they also must be prepared to cross dangerous parking lots alone and without assistance. Handicapped people are unfortunately easy targets for thieves as well as drivers who do not pay attention.

The only way around this problem is to pass a national handicapped parking standard. I am in favor of the law Congress passed last year which requires the Department of Transportation to study the problem and draft a model law. I feel, however, that Congress needs to take stronger action to get States to institute uniform handicapped parking laws. Congressman Gejdenson's bill would accomplish that goal.

Thank you again for allowing me to testify today. In the past I did not get involved in politics. When I experienced such a ridiculous situation, however, I had to speak up.

Mr. ANDERSON. Thank you, Ms. DeGiovanni.

Congressman Hammerschmidt wants to be recognized.

Mr. HAMMERSCHMIDT. Thank you very much, Mr. Chairman.

I want to commend you for your continuing concern for the safety of those Americans who travel on the Nation's highways.

But since we are on the subject of the handicapped parking problem, I want to thank our distinguished colleagues, Mr. Gejdenson and Tom Luken, and certainly Ms. DeGiovanni, for their testimony.

But since I am going to have to leave for another committee, I wanted to mention that we have another witness coming up later, Mr. Dennis Smurr, of the Paralyzed Veterans of America, and Mr. Smurr is very well known to us on the Veterans' Affairs Committee, where we have talked with him many times, but he is here before this committee today to discuss legislation concerning handicapped parking and the problem of the handicapped when they have been traveling between the States.

As our witnesses know, this committee recognized the problem of the handicapped when it included section 161 in H.R. 2, which required the Secretary to conduct a study of parking for handicapped persons and, if appropriate, develop a uniform State law with respect to parking privileges for handicapped persons.

That report was completed and released in November of 1987 and identified some of the basic problems facing handicapped travelers.

Mr. Chairman, Mr. Smurr has written an article for Paraplegia, and at the appropriate place in the record after his testimony, I would ask unanimous consent that it be inserted there.

Mr. ANDERSON. If there is no objection, so ordered. He will appear later today.

Mr. HAMMERSCHMIDT. Right.

Mr. ANDERSON. At that time we will have his statement made part of the record.

Mr. HAMMERSCHMIDT. Again, I thank the witnesses for their very fine testimony.

Mr. GEJDENSON. Thank you.

Mr. ANDERSON. Thank you.

Mr. Luken.

Mr. ANDERSON. Congressman Gejdenson, the basic question of who qualifies for handicapped privileges is a critical issue. I suppose my question is how would enactment of the provisions of your bill, H.R. 1442, and the bill H.R. 3840 address the issue of defining a handicapped person?

Mr. GEJDENSON. Well, I think that can be left to the States, frankly, that the State is the best one suited for policing who qualifies. A Federal guideline certainly could work, but a State is not going to flood the market with handicapped parking permits, because the first impact is on their own State. When you take a look at State and Federal facilities, State facilities, all public facilities along highways and what have you, there is a limited number of parking spaces, and I think most States are to be commended that they have handed these stickers out or emblems out in a very rational sort of manner.

Federal guidelines wouldn't hurt to help use the benefit of national knowledge for the States, but clearly, the States are very capable of doing that on their own.

Mr. ANDERSON. Tom, would you like to comment on that?

Mr. LUKEN. I would concur. I am not aware that there is a major problem there. I think the States have handled it. But I think this legislation is directed at the interstate aspects of it that unfortunately the States just haven't gotten together to recognize each other's symbols and markings. So that the problem which doesn't arise on an intrastate basis does arise on an interstate basis. That is the thrust of the legislation to grant this right of accessibility to those who are handicapped to all American citizens by coming up with a standardized kind of system of markings. That is the basis of the legislation.

The qualifications, I am not aware that there has been a problem. But you may find that in your hearings.

Mr. ANDERSON. Well, a recently released study entitled "Parking for Handicapped Persons Study," which was conducted by the Department of Transportation, concluded that the parking problems facing the handicapped traveler would be greatly reduced by a uniform parking law.

However, the study indicated that the issue of handicapped parking regulations has been addressed by permitting its adoption as part of the Uniform Vehicle Code.

Now, could you provide the committee with an explanation of the reluctance of the States to enact statutes providing total reciprocity for handicapped parking privileges?

Mr. GEJDENSON. I don't think it's a reluctance. I just think it's a question of taking the effort, getting off dead center and going forward and getting 50 States to coordinate. You know, when you take a look at what this Federal legislative body can do best, it is that we can set that kind of national standard. But if you are the motor vehicle commissioner of Rhode Island and you're trying to sit down with Massachusetts or Connecticut and coordinate the other 50 States, each one wants to stick with its own symbol. So, if you've got it on your license plate and another State has got a sticker they hand out, how do you get the other State to come to your symbol?

The problem really is the inertia for making the process work. Clearly, you could get all 50 motor vehicle commissioners in one room and you ought to be able to get them to vote on one particular symbol. They should be then able to go back and get their State legislatures, if necessary, to pass that one symbol.

In a perfect world, maybe the U.S. Congress wouldn't address this issue. The reality is that these 50 commissioners over an extended period of time have not been able to come together, not been able to agree on one symbol. That is why, you know, whether it's a larger or a smaller or Mr. Luken's bill or my bill that says, "Hey, guys, we're giving you warning. Accept the standard symbols, come to an agreement, or it's going to cost you 2 percent." Let me tell you, that will make people get the job done.

Mr. ANDERSON. Is the withholding of safety money the best way to promote this safety-related matter?

Mr. LUKEN. It's an effective way. We are looking for an effective way.

Mr. ANDERSON. Are you at all concerned about fraud, whether a nondisabled person could illegally procure a windshield placard?

Mr. LUKEN. It would seem to me that the adoption of a uniform system would make that fraud more difficult than if we left it to some kind of general reciprocity where the States would be uncertain as to what the markings would be, what the symbol would be.

Mr. GEJDENSON. I would also say that I would leave that part of the enforcement to the States. In States, fraudulent distribution of symbols, whether it's interstates or intrastate is something that local Governments and local police departments can do best. I haven't seen that as a significant problem in our studies and assessments. It is certainly not beyond the realm of possibility, but we've got to leave some work for the State Governments.

Mr. ANDERSON. Well, the enforcement of handicapped parking space violations is a problem because some States only permit enforcement in public parking areas and not in private areas, others enforce in both areas.

Now, would the bill H.R. 3840 require enforcement in both public and private parking areas?

Mr. LUKEN. I think that is the intent. If it doesn't say so, that certainly is the intent. I believe that that was my understanding that that is the general rule. The subcommittee members may know more about that than I do. But the general rule is that it would apply to private as well as public, at least private as defined as privately owned and operated but available to the public.

Mr. **Anderson**. Is that your feeling, too, Sam?

Mr. **Gejdenson**. Well, I think if you take a look at the situation in most States, it clearly does affect private in the sense of shopping malls and what have you. I think even California courts have held that to deprive access to shopping malls is to deprive access in general in the sense that that is now the town square and the centers.

They have even allowed pickets and other activities right up to in the shopping mall. We are not looking at that kind of division, but clearly, if you exclude private areas like shopping centers from these regulations, you have just excluded most, if not 90 percent of where commerce occurs today in most of the country.

Mr. **Gejdenson**. It certainly applies in my State to privately owned but open to the public facilities. Here again, if the definition in the legislation isn't clear, doesn't clearly set that forth, it would be something that we can do on a national basis and clarify those rights, whereas in some States it may be vague in the legislation, and other States more specific. But we should define that. I think the chairman has raised a very good point. I assume that it's covered, but we ought to look at the language.

Mr. **Anderson**. Mr. Shuster?

Mr. **Shuster**. Thank you, Mr. Chairman.

I want to commend all of you for your testimony. I think you have identified a very real problem, and I think we have a responsibility to deal with it. I am not sure if the 2-percent withholding is the right approach, but it seems to me either it or a comparable approach should be taken.

I am a little uncomfortable over the fact that we have not had any testimony on this issue from the various States' departments of transportation. I wonder if any of you have any background on that, if you are aware of any statements that they have made either in support or opposition to these proposals?

Mr. **Gejdenson**. In discussions that we have had with motor vehicle people, the only thing they have ever said to me is, "Well, it's just hard to coordinate that many States."

I don't think you would find any opposition. I think you just need something to get them, off dead center.

Mr. **Shuster**. I would ask staff to inquire of AASHTO or any of the other groups that represent the State departments of transportation.

Mr. **Gejdenson**. The national groups will tell you they're doing it, you know, that they're doing it, that some of it's done. I think that has been their public position.

The reality is that while they've got the best intentions, it is not happening.

Mr. **Shuster**. Well, I think we should at least ask those groups to give us their comments in writing, if they so choose, before we proceed to make decisions for them.

Thank you.

Mr. **Anderson**. Mr. Kolter?

Mr. **Kolter**. Thank you, Mr. Chairman.

I want to thank my colleagues Sam Gejdenson and Tom Luken for bringing this very important subject matter before our committee. In doing so, I just want to tell you that I have to respectfully disagree with a portion of your testimony here because—and I disagree because I really would like to see legislation passed to correct this problem.

I can recall when I was in Pennsylvania many years ago, working with the Committee of Public Works and Transportation in that great State, we passed legislation to do just this in our State. We have 203 members of our legislature, and we had 203 definitions of what this ought to be. You multiply that by 50 States, and Lord knows, you have a problem.

It would seem to me that if we are going to have meaningful legislation passed, we have to have something more definitive in the bill here, more definitive in guidelines, to demonstrate to our States that, yes, these are the guidelines and if you do not submit to these guidelines, you will lose your 2 percent or whatever it might be.

Well, I think that I would say if this bill were to come on the floor, I would probably try to amend it in this fashion. I would just hope you would kind of agree that perhaps something more definitive ought to be written into that bill dealing with a definition.

Mr. LUKEN. I would certainly agree with the gentleman. If the subcommittee perfects the legislation and makes it more crystal-clear as to what we are intending, I subscribe to the gentleman's statement. I hope that the subcommittee and the committee works its will in that regard.

Mr. KOLTER. Thank you very kindly.

Mr. ANDERSON. Mr. Shuster.

Mr. SHUSTER. Mr. Chairman, I would ask that we keep the record open for three weeks in order to provide the States to submit something in writing.

Mr. ANDERSON. If there is no objection, so ordered, so we can get that information.

Mr. SHUSTER. Thank you.

[The following was received from the National Governors Association:]

National Governors' Association

John H. Sununu
Governor of New Hampshire
Chairman

Raymond C. Scheppach
Executive Director

April 29, 1988

The Honorable Glenn M. Anderson
Chairman, Committee on Public Works
and Transportation
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing at the request of Congressman Bud Shuster who has asked for the position of the National Governors' Association on H.R. 3840 and related proposals to provide a national uniform system for the regulation of handicapped parking.

The nation's Governors share the Committee's concern with ensuring that handicapped citizens from one state can travel to another state and use their license plates or placards to park in handicapped spaces. We have endorsed the use of the international symbol of access and have adopted a policy position calling on all states to recognize other states' handicapped parking permits.

However, on the issue of imposing sanctions to secure compliance, our policy is very clear. NGA believes the withholding of highway funds to secure actions by the states is counter to effective highway policy. A voluntary approach that consists of local involvement and support for enforcement is far more effective.

NGA worked with the National Committee on Uniform Traffic Laws and Ordinances to develop a model state law to provide such reciprocal treatment and requested the state motor vehicle administrators to follow through with ensuring effective implementation. The American Association of Motor Vehicle Administrators has undertaken a project to achieve universal reciprocity for recognition of authorized vehicles. At present, I understand that all states but Hawaii have legislation or reciprocal agreements that enable universal recognition of this parking privilege, and Hawaii provides reciprocity without requiring any specific statutory or regulatory authority.

All of these activities indicate the states' desire and readiness to respond to this problem. Therefore, we believe a federal mandate is not necessary at this time. I appreciate your sincere interest and the privilege to work with you to address this important issue in a manner most appropriate.

Sincerely,

Governor William A. O'Neill
Chairman, Committee on
Transportation, Commerce
and Communications

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Mr. **Anderson**. Mr. Hammerschmidt.

Mr. **Hammerschmidt**. No questions, Mr. Chairman.

Mr. **Anderson**. Mr. Packard.

Mr. **Packard**. Thank you, Mr. Chairman.

I appreciate also the fact that my colleagues have brought out an important issue that needs to be addressed. It is not as simple as perhaps we see in the two pieces of legislation that we have talked about.

I come out of local Government, where I served as mayor and on the city council and planning commission where we dealt with these local kinds of issues. It is well and good to have a series of handicapped parking areas in some areas that require a lot of them. Hospitals and medical centers and a variety of other places require more than other private areas.

If you go to a construction industry and they are required to have an equal amount of handicapped spaces as we have in shopping centers or in a hospital, they will be greatly underused and become a nuisance and many people who are not handicapped complain that there is a string of prime parking spaces that are unused, maybe only one or two used each day, and they are required to park at further distances.

I am not saying this in any way to create a problem for our handicapped. Certainly, there needs to be a solution. But it is not easy to determine how many parking spaces, handicapped parking spaces, ought to be allocated to different kinds of businesses. If we put a blanket requirement out from the Federal level, then all of a sudden we have perhaps a lot of complaints from local constituencies.

Do you have a comment?

Mr. **Gejdenson**. Yes. I would just say that the gentleman, Mr. Kolter, has some suggestions for improving legislation, and there are other suggestions as well. Our legislation doesn't deal with those decisions, and basically my approach has been that the State can make its own decisions as to what, where, how many, who gets the ticket.

But all the States have said is that they are ready to respect and reciprocate with other States as far as somebody from another State being able to use whatever number of spaces they have made available.

So, what our legislation simply does is, if the space is available, that somebody from out of State has the same privileges and rights and there ought to be one symbol. So, the symbolism is the reason for confusion. I think in neither of our pieces of legislation do we actually create spaces or categories of people who are entitled to these, and I think there can be a debate between Mr. Kolter's position and yours as to whether or not we ought to set some basic standards by which these stickers or plates are handed out, on the other hand, on how many spaces and what kind of places. And the other side of the coin saying, well, the State will do just fine regulating that aspect of it; it's its own interest. It confronts these problems on a regular basis.

The only thing we are trying to deal with is interstate travel, that when a handicapped person travels, he ought to be given the same amount of safety, whether he goes to the shopping mall in his

State or he goes to the shopping mall in the neighboring State, whether he stops at a highway rest area in Connecticut and goes in to get a sandwich, that he or she should be close enough so that it's not a difficult problem to get in there and get their Big Mac or what have you. If the gentleman or the lady is in Pennsylvania, they shouldn't have to be at the other end of the parking lot trying to get across in a wheelchair or with a cane.

Mr. PACKARD. Well, I applaud your effort, and I recognize at the same time that it could impact the allocation of spaces because if in fact you are near a border of another State it may require additional parking allocations for the handicapped.

Mr. GEJDENSON. The only thing I would argue with that is that most States, when you talk to them, say, "Oh, no, we've got reciprocity." The problem is in the practical application of reciprocity. When the gentleman from Colorado shows up with a tag hanging from the windshield and the officer in Virginia is used to a metal plate or a sticker in the rear window—I mean, if I were a police officer, coming from Connecticut, the last place I would look is to see what's hanging from your mirror, which is apparently what they have in Colorado.

So, it's not as if the States are saying, no, "We don't want this." The States are saying it's already in effect, you know, that it's going to happen anyway. But the problem is that it's not happening.

Mr. PACKARD. Thank you very much.

Mr. ANDERSON. Mr. Clinger.

Mr. CLINGER. No questions, Mr. Chairman.

Mr. ANDERSON. Mr. Hastert.

Mr. HASTERT. Thank you, Mr. Chairman.

I certainly salute Congressman Gejdenson and Congressman Luken for bringing this issue up. When I was in the legislature, I was in the middle of a debate over a long period of time and with much wailing and gnashing of teeth, over who all these people were. You have the public-private issue of the ma-and-pa store with two parking places in front, and whether you set one of those aside as a handicapped parking space or not.

The issue of the auto versus the card, I mean, do you have a handicapped auto or do you have a handicapped designation? Several times when I was a State legislator, I had constituents coming to me—and even now—saying, "Listen, I am 70 years old. I have a 92-year-old mother. I have to take her to the doctor and to the pharmacy. Do I drop her off in the wheelchair in 20-below-zero weather and then go park the car because I am not handicapped?"

Those types of issues and also just the idea that many times the driver is not the handicapped person, the passenger is, and there is a mutual responsibility. I think probably the States are the entity that should make those decisions.

But I really salute you as to the uniformity because I have the people coming back from Florida and coming back from California who have had these problems over and over again. I just think that maybe there might be some overall guidelines, but let the States in the language of your bill, of which I am a cosponsor, make those decisions.

But this legislation is urgent. It is needed. I certainly support your effort.

Mr. **Gejdenson**. Thank you very much.

Mr. **Anderson**. Mr. Kolter, any further questions?

[No response.]

Mr. **Anderson**. Well, thank you very much.

Mr. **Gejdenson**. Thank you, Mr. Chairman.

Mr. **Luken**. Thank you, Mr. Chairman.

Mr. **Anderson**. Thank you, Ms. DeGiovanni.

Mr. **Luken**. I am glad we ended up on that happy note of agreement.

Mr. **Anderson**. Thank you all very much.

[The prepared statements of Mr. Gejdenson, and Mr. Luken follow:]

STATEMENT OF CONGRESSMAN SAM GEJDENSON
SUBCOMMITTEE ON SURFACE TRANSPORTATION
MARCH 23, 1988

MR. CHAIRMAN:

I WOULD LIKE TO THANK THE SUBCOMMITTEE FOR GIVING ME AN OPPORTUNITY TO TESTIFY TODAY ON AN EXTREMELY IMPORTANT HIGHWAY SAFETY ISSUE: THE SAFETY OF HANDICAPPED MOTORISTS WHO TRAVEL OVER STATE LINES. AT THE END OF MY TESTIMONY, I WILL ALSO INTRODUCE ONE OF MY CONSTITUENTS, RUBY DEGIOVANNI OF MIDDLETOWN, CONNECTICUT, WHO HAS LED A ONE-WOMAN CRUSADE TO KEEP HANDICAPPED PARKING SPACES OPEN TO ALL HANDICAPPED PEOPLE, REGARDLESS OF WHERE THEY LIVE.

MR. CHAIRMAN, THE MOVEMENT TO ENSURE ACCESSIBILITY TO PUBLIC AREAS FOR THE 6.5 MILLION HANDICAPPED AMERICANS HAS WON MAJOR VICTORIES IN RECENT YEARS. TODAY, AN INCREASING NUMBER OF PUBLIC BUILDINGS, SHOPPING CENTERS, SCHOOLS AND CHURCHES CAN BE ENTERED BY MOBILITY-IMPAIRED PEOPLE WITH LITTLE DIFFICULTY. HANDICAPPED PEOPLE, LIKE RUBY DEGIOVANNI, ALSO HAVE WON THE RIGHT TO PARK THEIR CARS IN THE SAFEST PARKING SPACES CLOSE TO THE BUILDING.

UNFORTUNATELY, MANY STATES IN THIS NATION DO NOT RECOGNIZE ONE ANOTHER'S HANDICAPPED PARKING EMBLEMS. HANDICAPPED CITIZENS FROM ONE STATE, WHILE ON BUSINESS OR RECREATIONAL TRIPS TO ANOTHER STATE, ARE ROUTINELY ARRESTED OR TICKETED FOR PARKING IN

AREAS DESIGNATED FOR HANDICAPPED PARKING.

OVER 35 STATES FORCE HANDICAPPED MOTORISTS WHO ARE OUT-OF-STATE TO CROSS LARGE PARKING LOTS ON CRUTCHES OR IN WHEELCHAIRS. THE SAFETY OF HANDICAPPED PEOPLE IS ENDANGERED EVERY DAY BY MOTORISTS WHO ARE SPEEDING OUT OF PARKING LOTS AFTER A LONG SHOPPING TRIP OR A TOUGH DAY AT WORK. EVEN THOUGH MOST PARKING LOTS ARE ON PRIVATE, NOT PUBLIC, PROPERTY, THE GREAT NETWORK OF PUBLIC HIGHWAYS THAT CONNECT THE U.S. ARE MADE INACCESSIBLE BY UNSAFE PARKING CONDITIONS AT THE FINAL DESTINATION. THE FEDERAL GOVERNMENT MUST INTERVENE TO PRESERVE THE SAFETY OF INTERSTATE TRAVEL FOR HANDICAPPED PEOPLE.

FOR THIS REASON, I INTRODUCED H.R. 1442 THIS SESSION OF CONGRESS. THIS LEGISLATION INSTITUTES A UNIFORM FEDERAL SYSTEM FOR HANDICAPPED PARKING. UNDER MY BILL, ALL STATES MUST USE THE INTERNATIONAL SYMBOL OF ACCESS ON A REMOVABLE WINDSHIELD PLACARD OR LICENSE PLATE AS THE HANDICAPPED PARKING SYMBOL. OUT-OF-STATE RESIDENTS WITH EITHER A HANDICAPPED PLACARD OR PLATE, FURTHERMORE, MUST BE GRANTED THE SAME PARKING PRIVILEGES AS IN-STATE RESIDENTS. THE LEGISLATION WITHHOLDS A STATE'S FEDERAL HIGHWAY SAFETY FUNDS IF IT DOES NOT COMPLY WITH THE FEDERAL STANDARD.

THE SENATE HAS ALREADY APPROVED A VERSION OF THIS LEGISLATION AS PART OF THE NATIONAL HIGHWAY SAFETY ADMINISTRATION

AUTHORIZATION ACT. THE COMPROMISE VERSION, OFFERED BY SENATOR JOHN KERRY AND INTRODUCED IN THE HOUSE BY CONGRESSMAN TOM LUKEN, WITHHOLDS 2 PERCENT OF A STATE'S HIGHWAY SAFETY FUNDS INSTEAD OF 100 PERCENT. THE NATIONAL HIGHWAY SAFETY ADMINISTRATION AUTHORIZATION ACT, HOWEVER, HAS NOT BEEN CONSIDERED BY THE HOUSE.

THE DEPARTMENT OF TRANSPORTATION RECENTLY RELEASED A DETAILED STUDY OF THE PROBLEMS FACED BY HANDICAPPED PARKERS. THIS STUDY WAS CONDUCTED AS A RESULT OF AN AMENDMENT I INTRODUCED TO LAST YEAR'S HIGHWAY BILL.

THE REPORT BROKE NEW GROUND FOR THE DEPARTMENT OF TRANSPORTATION, AS IT MARKED THE FIRST TIME THAT THE DEPARTMENT HAS ACKNOWLEDGED THAT STATE EFFORTS TO CHANGE HANDICAPPED PARKING LAWS HAVE BEEN INADEQUATE. THE RESULT OF THESE LAX EFFORTS, THE REPORT CONCLUDES, IS THAT HANDICAPPED PEOPLE CONTINUE TO RECEIVE TICKETS FOR PARKING THEIR CARS IN HANDICAPPED-PARKING SPACES WHILE TRAVELLING OUT-OF-STATE. WHILE 15 STATES RECOGNIZE EVERY OTHER STATE'S HANDICAPPED PARKING EMBLEMS, 35 STATES RECOGNIZE ONLY A SMALL PORTION OF OUT-OF-STATE EMBLEMS.

ANOTHER PROBLEM ADDRESSED BY THE STUDY, WHICH IS REMEDIED IN MY LEGISLATION, IS THE INABILITY OF THE AVERAGE LAW ENFORCEMENT OFFICER TO RECOGNIZE THE VARYING HANDICAPPED PARKING SYMBOLS USED BY DIFFERENT STATES. THE DEPARTMENT OF TRANSPORTATION CONCLUDED THAT USING THE UNIFORM SYMBOL OF ACCESS, EITHER ON A LICENSE PLATE OR REMOVAL PLACARD, WOULD RESOLVE THE CURRENT DIFFICULTIES.

THE DEPARTMENT OF TRANSPORTATION REPORT WENT ON TO STATE THAT "PARKING PROBLEMS FACING THE HANDICAPPED TRAVELER WOULD BE GREATLY REDUCED" BY A UNIFORM HANDICAPPED PARKING LAW.

I HOPE THAT THE SUBCOMMITTEE WILL GIVE EVERY CONSIDERATION TO INCLUDING H.R. 1442 AND H.R. 3840 IN ANY COMPREHENSIVE HIGHWAY SAFETY BILL THAT IS PUT BEFORE THE SUBCOMMITTEE THIS YEAR. MR. CHAIRMAN, IT IS LUDICROUS FOR US TO REMOVE ONE BARRIER TO THE HANDICAPPED BY OFFERING HANDICAPPED PARKING SPOTS, ONLY TO ERECT ANOTHER BY REFUSING AN OUT-OF-STATE RESIDENT THE RIGHT TO PARK THERE. IF A PERSON IS DISABLED IN ONE STATE, DOES NOT LOGIC DICTATE THAT THE SAME PERSON IS DISABLED IN ANOTHER STATE? I LOOK FORWARD TO WORKING CLOSELY WITH THE SUBCOMMITTEE TOWARDS RESOLVING THE CURRENT INEQUITY.

IT IS NOW MY PLEASURE TO INTRODUCE RUBY DEGIOVANNI OF MIDDLETOWN, CONNECTICUT. NEARLY THREE YEARS AGO, RUBY CONTACTED MY OFFICE ASKING THAT CONGRESS REMEDY THE HANDICAPPED PARKING PROBLEM. RUBY DIDN'T JUST GET MAD WHEN FACED WITH THIS DISCRIMINATION, SHE GOT INVOLVED. IT IS BOTH RARE AND EXCITING FOR ONE PRIVATE CITIZEN TO HAVE SUCH AN IMPACT ON THE LEGISLATIVE PROCESS.

STATEMENT OF CONGRESSMAN SAM GEJDENSON

SUBCOMMITTEE ON SURFACE TRANSPORTATION

MARCH 23, 1988

MR. CHAIRMAN:

I WOULD LIKE TO THANK THE SUBCOMMITTEE FOR GIVING ME AN OPPORTUNITY TO TESTIFY TODAY ON AN EXTREMELY IMPORTANT HIGHWAY SAFETY ISSUE: THE SAFETY OF HANDICAPPED MOTORISTS WHO TRAVEL OVER STATE LINES. AT THE END OF MY TESTIMONY, I WILL ALSO INTRODUCE ONE OF MY CONSTITUENTS, RUBY DEGIOVANNI OF MIDDLETOWN, CONNECTICUT, WHO HAS LED A ONE-WOMAN CRUSADE TO KEEP HANDICAPPED PARKING SPACES OPEN TO ALL HANDICAPPED PEOPLE, REGARDLESS OF WHERE THEY LIVE.

MR. CHAIRMAN, THE MOVEMENT TO ENSURE ACCESSIBILITY TO PUBLIC AREAS FOR THE 6.5 MILLION HANDICAPPED AMERICANS HAS WON MAJOR VICTORIES IN RECENT YEARS. TODAY, AN INCREASING NUMBER OF PUBLIC BUILDINGS, SHOPPING CENTERS, SCHOOLS AND CHURCHES CAN BE ENTERED BY MOBILITY-IMPAIRED PEOPLE WITH LITTLE DIFFICULTY. HANDICAPPED PEOPLE, LIKE RUBY DEGIOVANNI, ALSO HAVE WON THE RIGHT TO PARK THEIR CARS IN THE SAFEST PARKING SPACES CLOSE TO THE BUILDING.

UNFORTUNATELY, MANY STATES IN THIS NATION DO NOT RECOGNIZE ONE ANOTHER'S HANDICAPPED PARKING EMBLEMS. HANDICAPPED CITIZENS FROM ONE STATE, WHILE ON BUSINESS OR RECREATIONAL TRIPS TO ANOTHER STATE, ARE ROUTINELY ARRESTED OR TICKETED FOR PARKING IN

AREAS DESIGNATED FOR HANDICAPPED PARKING.

OVER 35 STATES FORCE HANDICAPPED MOTORISTS WHO ARE OUT-OF-STATE TO CROSS LARGE PARKING LOTS ON CRUTCHES OR IN WHEELCHAIRS. THE SAFETY OF HANDICAPPED PEOPLE IS ENDANGERED EVERY DAY BY MOTORISTS WHO ARE SPEEDING OUT OF PARKING LOTS AFTER A LONG SHOPPING TRIP OR A TOUGH DAY AT WORK. EVEN THOUGH MOST PARKING LOTS ARE ON PRIVATE, NOT PUBLIC, PROPERTY, THE GREAT NETWORK OF PUBLIC HIGHWAYS THAT CONNECT THE U.S. ARE MADE INACCESSIBLE BY UNSAFE PARKING CONDITIONS AT THE FINAL DESTINATION. THE FEDERAL GOVERNMENT MUST INTERVENE TO PRESERVE THE SAFETY OF INTERSTATE TRAVEL FOR HANDICAPPED PEOPLE.

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Opening Statement

The Honorable Thomas A. Luken

Chairman

Subcommittee on Transportation, Tourism, and Hazardous Materials

Before

The Subcommittee on Surface Transportation

Hearing on

highway Safety: Handicapped Parking Bill to Implement a Uniform Federal System for Handicapped Parking

March 23, 1988

10:00 a.m.

Thank you Mr. Howard for presenting a forum for those of us here today who are concerned with the rights of the handicapped. I am honored to speak before your Subcommittee on this very important issue.

The present system for dealing with handicapped parking is flawed. Currently, state governments across the nation allocate parking spaces for handicapped citizens in their own state and make available special license plates and removable placards to identify cars able to access these parking spaces.

However, in many cases, local law enforcement officials either do not recognize or do not honor handicapped designations used by other states. Consequently, many times handicapped individuals traveling outside of their home states and who park in reserved areas are towed or ticketed.

Under this system, handicapped citizens are at a disadvantage as they seek to travel from state-to-state. Unfair burdens, tantamount to discrimination, have long been imposed upon the handicapped traveler.

On December 22 of this past year I introduced legislation to relieve disabled individuals of the discrimination they incur everyday as they seek to travel from state-to-state. The bill, H.R. 3840, would implement a uniform federal system for handicapped parking.

In my district alone, not to mention each district across the U.S., many handicapped persons have suffered injustices as they have traveled across state lines for such ordinary purposes as employment, medical treatment, or visiting friends and family.

A case in point can be told by Mary Ellen Douglas, a citizen in my home district of Cincinnati, Ohio. Recently, Ms. Douglas had driven a handicapped friend, a resident of Michigan, to a shopping mall in Cincinnati. After parking, she placed her friend's handicapped zone permit in the windshield. Ms. Douglas was then slapped with a $79 ticket because Ohio is one of the many states which does not recognize handicapped plates or placards from out-of-state.

Though Ms. Douglas' case was dismissed in court, both she and her friend were caused much worry, inconvenience, and unnecessary hassles - just for parking in a space already allotted for the handicapped. I'm sure disabled Americans across the country can recount similar or worse episodes to those of my constituent and her friend.

Today, most Americans count on the use of an automobile to conduct their routine business. Citizens with disabilities who travel by automobile must be sure that they have access to those spaces already allotted by the states for handicapped persons. If this assurance is not there, the result is that the handicapped are not free to travel whether it be for purposes of employment, medical treatment, or tourism.

The lack of uniformity among the states regarding handicapped license plates and parking privileges creates needless confusion and unnecessary obstacles to the personal mobility of handicapped people.

But more than that, a safety issue arises when handicapped individuals traveling out-of-state and are unclear as to whether or not they will be ticketed or towed by the local police for parking in a space allotted for the handicapped. They are then forced to park long distances from their destination, incurring great hardship and risk as they traverse busy streets and parking lots.

The problem about which I am speaking today has been recognized by many. In fact, in a Study of Parking for Handicapped Persons, put out by the Department of Transportation this past September, the DOT Secretary declared that "parking problems facing the handicapped traveler would be greatly reduced" by a Uniform Handicapped Parking Law.

Yet, in the same study, DOT recommends leaving it up to the states to remedy the situation. This very serious problem faced by the 6.5 million disabled Americans in this country will not go away on its own. The suggestion that the states should be left to remedy the problem does not carry much weight in light of the fact that the states have let this problem continue for at least the past twenty years.

Federal legislation is necessary to eliminate the barriers which have been erected against the right of the handicapped to freely travel across state lines just as any citizen is entitled to do.

Legislation, such as that passed in the Senate last year and that introduced by myself, Mr. Gedjenson, and joined to date by as many as 28 of our colleagues, has been designed for this very purpose.

The House bill, H.R. 3840, imposes a uniform federal system for handicapped parking by adopting the international symbol of access as the uniform federal symbol. Further, there is a provision which puts some teeth into the bill and withholds 2% of a state's federal highway safety funds from non-complying states.

I urge that this legislation, essential to insuring the rights of handicapped citizens, be passed by this House. Again, I thank you Mr. Howard for recognizing the problem-at-hand and taking an active stance in proceeding forward to provide a much needed remedy.

Statement of Ruby DeGiovanni

Subcommittee on Surface Transportation

March 23, 1988

My name is Ruby DeGiovanni, and I am from Middletown, Connecticut. Thank you for giving me the opportunity to come to Washington to talk about my own personal experience with the handicapped parking problem. As a handicapped person who is dependent on her car to get around, I am very happy that the Subcommittee is debating this important issue.

Four years ago, I obtained a handicapped parking sticker from the State of Connecticut because I have severe arthritis and a knee replacement. I have a lot of trouble walking, and handicapped parking spaces allow me to get around more safely and quickly.

Three years ago, I went to Salem, Massachusetts, for a doctor's appointment. After the appointment, I stopped in Lynn, Massachusetts to get something to eat before I drove back to Connecticut. I pulled into a handicapped parking space at the restaurant, as I would do if I were at home. A Massachusetts policeman immediately challenged my right to park in the spot because I didn't have a Massachusetts handicapped parking sticker. He told me that Connecticut handicapped people were not allowed to use the spaces. As I couldn't afford a parking ticket, I parked on the other side of the parking lot and made my way slowly to the restaurant.

What happened in Massachusetts bothered me for two months. I thought if I had been kicked out of a handicapped parking spot, it must have happened to other handicapped people. I contacted Congressman Gejdenson, who made every effort to resolve this situation without legislation. Unfortunately, there is no way around it. Without federal legislation, some states will let me park, others will not.

I have talked to many other handicapped people while getting ~~citizens~~ to sign a petition demanding action on the handicapped parking issue. I can tell you that my case is not isolated. Some handicapped friends have received tickets for $50.00 and $100.00 in New York and Florida. Another handicapped person from neighboring Rhode Island received a parking ticket while using a handicapped parking slot in my ~~home state of~~ Connecticut. I also recently heard about a woman, suffering from Multiple Schlerosis, who was ticketed when she and her Air Force husband tried to use handicapped parking spot in Nevada. They only had a New Hampshire permit.

I think it is extremely unfair that states are allowed to discriminate against out-of-state handicapped people. When states are allowed to ticket people for merely exercising their right to a handicapped parking space, it discourages handicapped people from going out. When handicapped people travel out-of-state, they also must be prepared to cross dangerous parking lots alone and without assistance. Handicapped people are unfortunately easy targets for thieves as well as drivers who are not paying attention.

The only way around this problem is to pass a national handicapped parking standard. I am in favor of the law Congress passed last year which required the Department of Transportation to study the problem and draft a model law. I feel, however, that Congress needs to take stronger action to get states to institute uniform handicapped parking laws. Congressman Gejdenson's bill would accomplish that goal.

Thank you again for allowing me to testify today. In the past, I did not get involved in politics. When I experienced such a ridiculous situation, however, I had to speak up.

Mr. ANDERSON. Our next witnesses are Thomas B. Deen, the executive director of the Transportation Research Board; Kenneth M. Mead, the associate director of the General Accounting Office.

I have your prepared statements. They will be made a matter of the record in their entirety.

Before I go any farther, I know that my distinguished friend here, Mr. Shuster, has something to say about one of you. I think it is Tom Deen.

Mr. Bud Shuster.

Mr. SHUSTER. Thank you, Mr. Chairman.

I am going to welcome the entire panel, most especially my longtime friend and former neighbor, Tom Deen. Tom Deen is a distinguished transportation leader in America. As the executive director of the Transportation Research Board, he is on the cutting edge of much of the most important thought and research that takes place in this country with regard to transportation.

It is good to have you with us, Tom.

Thank you.

Mr. ANDERSON. Thank you.

Mr. SHUSTER. Mr. Chairman, if I leave in the middle of their testimony, it is because I have another place I have to be.

Mr. ANDERSON. I understand.

We do have your prepared statements. They will be made a matter of the record in their entirety. We will begin with Tom Deen, then Kenneth Mead. So, Tom, you may proceed.

TESTIMONY OF THOMAS B. DEEN, EXECUTIVE DIRECTOR, TRANSPORTATION RESEARCH BOARD, ACCOMPANIED BY STEVE GODWIN, STAFF MEMBER; AND KENNETH M. MEAD, ASSOCIATE DIRECTOR, RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY DR. FRANK MOLVEY

Mr. DEEN. Good morning, Mr. Chairman.

I would like to thank the committee for inviting me here for this testimony, and I am most appreciative of Congressman Shuster's kind statement.

As he noted, I am the executive director of the Transportation Research Board, a unit within the National Research Council, which, in turn, is the operating arm of the National Academy of Sciences and the National Academy of Engineering.

I am pleased to be here this morning to summarize the results of our study of the 55-mile-per-hour speed limit. I am accompanied by Steve Godwin, one of the key staff members of that study, who is on my right.

As I am sure you recall, at the request of Congress TRB convened a committee to study the benefits and costs of the 55 speed limit. This committee was chaired by Dr. Altshuler, dean of the Graduate School of Public Administration of the New York University, who unfortunately could not be here today.

We completed our work and reported to Congress in November 1984. Because the committee has not met to analyze developments since that time, my comments today must then be limited, for the most part, to summarizing the findings of our 1984 report.

Because compliance monitoring is the current concern of this subcommittee, I will emphasize our findings and recommendations regarding compliance.

Before discussing compliance, though, I will briefly summarize the committee's overall findings. When the 55 limit was the maximum for all highways, our committee estimated that that regulation, the 55 speed limit, saved 2,000 to 4,000 lives annually and averted about the same number of serious, severe, and critical injuries. It reduced the number of lesser injuries by 345,000 to 61,000 each year. Slower travel speeds due to the 55 limit reduced national consumption of petroleum by 1 percent each year and reduced the accident medical costs borne by the taxpayers by about $65 million annually.

Because of these substantial benefits to highway safety, the preponderant view of the study committee was that the 55 speed limit should be retained on almost all highways. It stopped short, however, of making a firm recommendation that it should be retained everywhere.

The committee was itself divided on the question of whether the States should be allowed some leeway with respect to interstate highways in rural areas. These roads represent 6 percent of all 55-posted highways, carry 19 percent of the traffic on such highways, and are typically built to the highest design standards. For these rural interstate highways, our committee estimated that a return to the speeds that prevailed nationwide in 1973—that is, an average of about 65—would cost about 500 lives. A considerable amount of time would be saved, about 445 million hours of travel time, which translates to about 100 years of travel time at the cost of one life and one additional serious injury.

Overall, the committee judged that the choices involved in a decision to relax 55 on rural interstates depended more on values than on technical analysis. The committee believed it could best contribute to this decision by presenting the best evidence available regarding the benefits of this 55 speed limit and the consequences of modifying it.

We were pleased that our report was used as a basic source of information during the debate on raising the limit on rural interstates.

Let me turn now to a topic which was not part of our original charge but which occupied a considerable amount of attention and which is of central interest to this subcommittee today. It is the Federal procedure for monitoring State compliance with the 55 speed limit.

The Federal Government requires that each State keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit or risk losing some of its Federal highway aid. The law also allows adjustments to the raw data on traffic speeds, however, for possible sampling, speedometer, and monitoring errors. These adjustments are important to States because without them few States would be in compliance. Indeed, some have failed to reach compliance even with the adjustments.

The problem is that the largest of these adjustments has little scientific basis. Speedometer errors are very common, for example, but they tend to cancel out and are clearly insignificant at a statewide level. We recommended, therefore, that this adjustment be eliminated. We believe the others are sensible.

Additionally, we noted that States are equally vulnerable to penalty because of trivial or major violations. The current monitoring approach, for example, fails to distinguish between vehicles traveling 56 miles per hour and those going 75 or 80. Similarly, it fails to distinguish between vehicles traveling on interstates as opposed to secondary roads. Those traveling 75 are more dangerous than those traveling 56, however, and those speeding on two-lane undivided highways are far more dangerous than those moving at the same speeds on interstates.

Our committee believes that the national monitoring system should recognize these differences and should encourage the States to concentrate on preventing the more dangerous violations. Thus, we recommended that the current monitoring system be replaced by a point system, weighting violations by road type and degree of speed violation. Among other things, such an approach would be in accord with traditional speed enforcement practice which allows motorists a few miles per hour leeway above the posted limit.

Such a point system proposal was put forward in section 203 of H.R. 2 in 1987. Whether the formula and weight proposed in that legislation would apply now that highways are posted at 65—that they don't have to be monitored—would have to be determined. But it was in the spirit of our recommendation.

When our committee completed its work, 55 was the maximum speed limit for all highways. Whether our recommendations apply today, given the changes in national policy, deserves some mention. The States that keep rural interstates at 55 for safety reasons have a hard time keeping interstate traffic in compliance when motorists have been traveling on other rural interstates posted at 65. Even an improved monitoring system may, in effect, penalize States for trying to keep rural interstates posted at 55 when motorists expect speed limits to be 65. It would be disappointing if States elected to raise limits to 65 because they wanted to avoid the potential sanctions that accompany monitoring.

Although the committee did not specifically endorse the higher speed limit, it did believe that an increased speed limit, if enacted, should be strictly enforced and that speeds should be monitored. Monitoring speeds on 55 and 65 posted highways would help overcome any incentive to raise speed limits to avoid potential penalty. But, of course, elimination of monitoring on all such rural interstates would also accomplish that objective.

One important unintended consequence of not monitoring speeds on rural interstates has been the loss of actual data on traffic speeds. Our committee was able to make judgments about the effects of the 55 speed limit, in part, because it had long-term trend data on traffic speeds to examine along with trend data on fatalities and injuries. The monitoring system provided the speed data, and without speed data it will be extremely difficult to estimate the effects of the 65 speed limit on safety.

In summary, our committee found the 55 speed limit to be an effective safety policy. We recommended that it be retained as a national policy, but withheld judgment on whether the States should be allowed to raise speeds on the highest-quality rural highways.

Although the committee did not endorse the 65 speed limit, it did believe that, if enacted, it should be strictly enforced. We recommended that speed monitoring continue but that it be replaced by a new method to better reflect the degree of risk associated with different types of speed violations.

That completes my comments, Mr. Chairman. I appreciate the opportunity and would be glad to answer questions you might have.

Mr. ANDERSON. Thank you very much, Mr. Deen.

We will withhold the questions until after we hear from Mr. Mead.

Mr. Mead, we do have your statement. It will be made a matter of the record. You may proceed.

Mr. MEAD. Thank you, Mr. Chairman.

I will proceed to simply hit the highlights of our statement.

With me is Dr. Frank Molvey, who directed our recent work on the 55-mile-per-hour speed limit.

We appreciate the opportunity to appear before the subcommittee today to discuss the results of our forthcoming report on whether State practices for collecting highway speed data follow Federal law and guidelines. That report will be issued in approximately 2 weeks.

Our testimony today will make two basic points. First, our review of monitoring practices in six States found that they largely followed FHWA guidelines. Second, the current bases for judging compliance and assessing penalties bears little relation, in our view, to the goal of improving highway safety.

With regard to the second point, we wish to emphasize that we did not examine the safety benefits of the 55-mile-per-hour speed limit. Instead, our review focused on the monitoring program itself and the bases for sanctioning States judged to be out of compliance.

In conducting our assignment, we interviewed Federal and State highway and law enforcement officials in six States: Arizona, Idaho, Maryland, Maine, New York, and Vermont. Although we did not attempt to develop a statistically representative sample, we believe these six States are illustrative of the broad range of highway conditions in the Nation and of the problems that some States have experienced in complying with the speed limit law.

We made visits to 63 of the 204 speed monitoring sites located in the six States and witnessed several demonstrations of the different types of equipment that are used to collect speed data.

On the whole, we found that the monitoring programs generally met Federal guidelines. But we uncovered several problem areas, including inconsistent FHWA oversight. FHWA officials told us that they planned to visit all FHWA regional offices to reassess oversight practices and to ensure greater consistency.

We also encountered several cases where speed monitoring sites were inappropriately located. These included sites near traffic lights, places where traffic merged, and near caution signs that advise motorists to slow down. For example, one site in Maryland was between two traffic lights where it would be difficult for a vehicle to reach a speed of 55 if either signal were red. In New York, one site was on a road in a residential neighborhood where posted speeds ranged from 50 to 30 miles per hour. There was a 55-mile-per-hour sign at the monitoring site, but it was behind a tree. These cases, though, were clearly the exception and are being addressed by the appropriate agencies.

We also learned of two earlier cases where State police tried to influence speed data collection results by stationing patrol cars at monitoring sites while speeds were being monitored. In both cases, FHWA division officials noted the infraction and disregarded the speed data collected during those monitoring sessions.

Finally, we found the compliance measure that at least 50 percent of the traffic on 55-mile-per-hour posted roads obey the limit is not necessarily the best indicator of highway safety. Nor does the level of compliance necessarily reflect speed enforcement efforts by State police. States with good compliance records do not always have the safest highways, and States that aggressively ticket speeders do not necessarily motivate a sufficient number of motorists to comply with the speed limit.

A State's success in complying with the law is partly determined by the roads it chooses to post at 55 and whether it decides to retain the 55-mile-per-hour limit on its rural interstates. If the State only posts its best highways at 55, it will have more difficulty staying in compliance. For example, a State like New York that chooses to retain the 55-mile-per-hour limit on rural interstates might find itself facing sanctions it could have avoided by raising the speed limit to 65 mph. That is because vehicles will travel faster on the better roads.

The current standard for judging compliance does not consider the differences in road design or the seriousness of the speeding infraction. Consequently, minor infractions on modern, well-designed, four-lane divided freeways are treated no differently from high-speed violations on two-lane rural connector roads. Even on the same type of road, serious infractions are treated no differently from minor infractions.

State officials within six States we reviewed told us that the current criterion is an inappropriate basis for assessing sanctions. They think that weight should also be given to other factors such as the type of road where speeding occurs and how fast the vehicles are traveling.

To summarize, although we found some discrepancies in State speed monitoring practices, we believe that on balance the speed limit monitoring programs in the States we visited are in compliance with Federal regulations. However, our review leads us to conclude that the current compliance measurement program does not correspond well with the congressional goal of promoting highway safety.

Our forthcoming report will point to the need for reassessment of the compliance measurement program. In particular, we think the Department of Transportation should formulate a weighting scheme that places emphasis on high-speed driving, violations on roads with poorer safety records, and the intensity of the State's enforcement efforts.

Now, I might point out that in commenting on our draft report, the department expressed basic agreement with the observation that the compliance monitoring program is flawed. However, the Transportation Department thinks that any weighting scheme devised to improve the program will merely cause a State to adopt new stratagems to avoid the threat of sanctions.

DOT said, instead, that they think that Congress should return to the pre-1978 procedure whereby the Governor of each State certifies that the State has not posted any roads above the limit. Such an alternative is clearly within Congress' prerogative. However, if the Congress chooses to continue to require the States to monitor and report speeds on 55-mile-per-hour posted roads and to provide sanctions for noncompliance, we believe the current system should be redesigned so that it better corresponds to the congressional goal of highway safety.

That concludes my statement, Mr. Chairman.

Mr. **Anderson**. Well, thank you, Mr. Mead.

Mr. Deen, could you describe for us how speed data is collected, the mechanics of the process?

Mr. **Deen**. There is a sampling plan, Mr. Chairman, as I understand it, that has been developed by the Federal Highway Administration which specifies the locations in each State where speed data are to be taken. The technical process includes a detector, an underground loop detector, that is able to record speeds in an automatic fashion. So, it is a sampling plan that tries to represent all the roads that are posted at 55 in each State.

Mr. **Anderson**. Do you have any comment, Mr. Mead?

Mr. **Mead**. Only one. In the last decade States have begun to use increasingly loops that are embedded in the road that are permanently there so that they can't be removed and they are fairly accurate. Those are in fact on the rural interstates, including in those States that have increased the speed limit to 65.

The other type of device they use are pneumatic tubes which are spread out across the road and as cars go over them they measure how fast the car is going.

Mr. **Anderson**. Well, Mr. Mead, in your review of Maryland, did you find that as one newspaper article reported, the State was actually monitoring a route that was posted at 50 miles per hour?

Mr. **Mead**. No, I don't think we found that exact situation. It was Maryland where we found the case where it would be difficult to get to 55 miles per hour within the zone being monitored.

I should add that in the case of Maryland, Maryland, unlike most States, did not go to so-called free-flow monitoring. Maryland for some years measured speeds on the highway during good weather conditions, on straight roads, during daylight hours. They found themselves out of compliance. They then did a new sampling plan with the permission of FHWA, and it was under the new sampling plan that I think prompted the news articles that you refer to. But it was because they initially went out of compliance when they were trying to have a very strict monitoring program.

Mr. **Anderson**. Mr. Mead, could you elaborate on what you mean by "inconsistent FHWA oversight of speed monitoring programs"?

Mr. **Mead**. Yes, sir. In two of the six States we visited, FHWA officials would go out to the monitoring sites. They would make sure that since the sampling plan had been approved there hadn't been major developments, such as a school going up or a residential neighborhood or traffic lights being put in.

On the other hand, in four of the States FHWA officials basically stayed at their desks and did not go out and examine the monitoring sites. In fact, it was the two States where FHWA left the office and got out on the road that it was discovered that the State involved was having State police stationed at the site at the same time that the monitoring sessions were being conducted.

Mr. **Anderson.** Is it possible that the States are being sanctioned are not in greater noncompliance with the law than many States which have escaped sanctions?

Mr. **Mead.** I suppose that is possible.

Mr. **Anderson.** Is it your view also that some States may intentionally skew their data to make it appear that they are more firmly in compliance?

Mr. **Mead.** Five of the six States we visited, Mr. Chairman, have had compliance problems. As our testimony indicates, we did not find that in general these States were not complying with the Federal guidelines. You would think that these States, since they were out of compliance or had been out of compliance might have an interest in doing so. So, no, I would not go that far.

Mr. **Anderson.** Are you saying that a 55-mile-per-hour speed limit doesn't enhance safety and save lives, or that such a law, as currently monitored and with today's compliance standards, fails to enhance safety?

Mr. **Mead.** The latter, Mr. Chairman. The law does not draw a distinction between motorists that do 56 miles per hour and those who do 75 miles per hour.

Our point is that if you are going to have a congressionally mandated speed limit, that your compliance program ought to correspond to the stated goals of that program.

Mr. **Anderson.** Well, is it the speed limit itself or is it the monitoring and the compliance that is failing?

Mr. **Mead.** It is the monitoring and the compliance.

Mr. **Anderson.** I will direct my question and have whichever of you wants to comment respond to it. Just go to it. This, I think, is for both of you:

Under current law, whether or not a State is in compliance does not reflect the State's efforts to be in compliance. In your view, how relevant should a State's efforts be, and should we reward efforts or results?

Mr. **Mead.** Tom.

Mr. **Deen.** Would you restate the last part of the question?

Mr. **Anderson.** Under current law, whether or not a State is in compliance does not reflect a State's efforts to be in compliance. In your view, how relevant should a State's efforts be? Should we reward efforts or results?

Mr. **Deen.** Well, I can only reflect on our committee's deliberations. At that time, at the time our committee was working, of course, even though we recommended this point system, I think our committee would accept the idea that the 55 had been an effective safety instrument, even with the then-current compliance procedures, which aren't too different from the ones today.

So, I think our committee's feeling would be that it's effective either way, but it would be enhanced if the point system were endorsed.

Mr. Mead. I would add, Mr. Chairman, that the State of Maryland, which was out of compliance, had one of the highest citation enforcement rates in the United States.

You pose a very difficult question because on the one hand if you want a program that corresponds well with the goals of highway safety and be results-oriented, you would not include citation efforts. Yet, on the other hand, when motorists are substantially exceeding the speed limit, it's precisely the enforcement effort that the State will have to initiate in order to bring itself into compliance.

So, my personal view would be yes, and perhaps an approach the committee could take on this is not to include State enforcement efforts in the formula, the compliance formula per se, but to permit explicitly the taking into account of the State's enforcement efforts in deciding whether the sanctions should be applied.

Mr. Anderson. Tom, I think this might be yours. In a weighted point system, would you think there should be more negative points assessed against a State or somebody going 75 on a 65-mile-per-hour posted route or someone going 65 on a 55-mile-per-hour posted route? Which is a more serious violation from a safety standpoint?

Mr. Deen. I would like to answer that. I would like to be the guru here and be able to answer all these questions that do need answering. But at the time our committee worked, of course, there wasn't any 65, and we just didn't address that question.

Mr. Anderson. Ken, the current law, with no compliance sections for failing to enforce the 65-mile-per-hour limit may actually provide an incentive for States to raise their limits to 65. Might there be anything to this, and would you view that as being counterproductive from a safety standpoint? I mean, I can see, as I mentioned earlier, we have 65 on certain highways and 55 on others. If you violate the 55, you get sanctions, but if you violate the 65, they don't do it. They say, "Well, why don't we all go 65 so they don't sanction us?"

Mr. Mead. Yes, sir. I would characterize it as anomalous that you would want to penalize States that have a speed limit at 55 yet some of their motorists do 57 or 58 and on a highway posted to 65 not have any consequences for speeding at 75 miles per hour.

The reason for that view is that if there has been any one success of the 55-mile-per-hour speed limit in terms of its influence on speed, it has been at the highest thresholds, that if you look at trendline over the years, the higher speed thresholds—that is, over 65 miles an hour—have come down and they have stayed down.

Mr. Anderson. I think my last one is to both of you. Do you know situations where a State purposely posted less-well-designed routes at 55 miles per hour to help assure compliance?

Mr. Deen. Mr. Chairman, I don't know of any. We did not do a special effort to investigate that, obviously because it was impossible at the time we did our study.

Mr. Mead. In our study we found no States that did that. That suggestion or that possibility has been thrown around, but we found no evidence that any State actually has ever done that.

Mr. Anderson. Mr. Packard.

Mr. Packard. Thank you, Mr. Chairman.

I think what would be helpful to this committee is just a point-blank question: Do you believe that existing sanctions, as they are designed, have been an effective way of bringing about safety compliance, or are they counterproductive? Mr. Mead.

Mr. MEAD. I think the existence of a sanctions system, albeit none have ever been formally applied, has been a positive influence on this law.

Mr. PACKARD. Mr. Deen.

Mr. DEEN. I believe I would agree with that. It seems self-evident, though we didn't examine the question of the penalty system that is in use and we were not asked to, I believe it's obvious that States do get concerned when they get close to noncompliance or they're found in noncompliance. I believe our committee felt that the speed limit should be enforced, and I believe that pressure from sanctions is certainly being brought there to assist and encourage enforcement.

Mr. PACKARD. That's not the question. The question is not whether the speed limit ought to be enforced. I think every law enforcement agency in the country would agree there.

The question is whether it is counterproductive in that it takes money away from States—or at least that is the principle—that is designed to improve their safety features on their highways and thus it actually penalizes them in the very areas that they are being required or monitored to try to improve.

We will hear testimony later today on this very point—that we are proposing to take away money that is designed to improve safety on our highways. That, to the States is counterproductive.

Let me follow then with a question. Are there, or do you have, recommendations for a better system of evaluating the safety programs of various States than simply the two percent or whatever percent of penalty to highway funds in States in noncompliance, or should other organizations determine other plans or other systems of evaluating the safety of given States that would be an improvement over the existing sanctions system?

Mr. MEAD. We believe the compliance criterion in the program could be improved, and the National Academy has in fact recommended one. This is where you would take into account the differences in the type of roads. So, for example, people going more than 55 on your interstates wouldn't be penalized as much as people doing more than 55 on your secondary rural connector roads, and you would draw a distinction between the types of roads and a distinction between the gravity of the speed violation.

As to whether the current 10 percent is too much or too little, GAO does not have an opinion on that.

Mr. PACKARD. I think that GAO did make that comment, or in your testimony you indicated a rather interesting finding, and that is that ticketing of violations over the speed limit has not seemed to reflect or motivate motorists to comply with the speed limit.

That is an interesting comment, an interesting concept. That is the very reason for compliance requirements is to see if it wouldn't encourage motorists to comply with speed limits, existing and posted speed limits.

If those findings are true, then what is the value of ticketing or fining people who go over the speed limit?

Mr. **Mead**. Our finding on that point was that the number of citations a State gives out does not necessarily correlate under the present law with whether they are going to be found in compliance. It doesn't say that the number of people doing 70 miles an hour in a State that cites people frequently is irrelevant to the level of enforcement efforts.

Mr. **Packard**. It would appear to me, then, if those findings hold throughout all States, that there ought to be a different criterion of evaluating the safety factors. It ought to probably include much more than simply a matter of ticketing or monitoring. It ought to include, perhaps, types of roads, the type of violation, speeds at violations. As pointed out, an 85-mile-per-hour speed violation on a local road is far more serious than a 65 or 57 on a posted 55 interstate.

The State's enforcement efforts, which are the primary source of information and monitoring now, and then of course the location of monitoring equipment, and other State laws that affect safety such as seatbelt laws and a variety of other things, I think, could be plugged into a formula that would be far more fair.

And, frankly, I think it would even be a better system, to eliminate sanctions where we withhold monies that are earmarked for safety features in our highway programs. To me, that simply is penalizing them in the very areas that we are asking them to comply.

I can think of several ridiculous examples in other areas that would be totally ludicrous to penalize institutions or systems whose mission is to accomplish a certain goal but we take away the monies that are earmarked to make those goals become a reality. I can't quite rationalize that process where we take money away that is earmarked for highway safety in a State because they are not meeting highway safety requirements. It just does not make sense to me.

Mr. **Deen**. Mr. Packard, if in fact this practice became very widespread, you have to be quite right. My understanding is that in fact there has not actually been any withholding so far, and it could therefore have been and still remain a very effective penalty without the drawbacks that you describe.

At some point, if it became widespread, I am sure that all the things you're saying could be true.

Mr. **Packard**. Well, and that point could be coming because obviously no States have been forced to meet the penalty requirements, but we are reaching the point where they are either going to have to or we are going to have to change the law because States are being cited and being threatened with the sanctions.

So, even though we have not had any States that have been penalized, we are either going to have to drop that requirement or we're going to have to penalize States that are being cited with the penalties.

So, I think the argument that we don't have widespread application of it is simply saying, "Well, we passed a law, but there isn't any need for the law because we haven't implemented that law yet, but we are now ready to implement that requirement. And I think you will see some real screaming from States that are being required to relinquish.

My own State of California is being threatened: $56 million of highway money is being taken away from it. And $56 million builds a lot of safety into California highways. And if you take that away, you are going to take away all possibilities for us to make our highways safer. And all the monitoring in the world is not going to improve that when you've taken away the very vehicle which we have to have to make highways safe in California.

The CHAIRMAN. Would the gentleman yield?

Mr. PACKARD. I would be happy to yield.

The CHAIRMAN. I thank the gentleman for yielding.

I think that it is in a sense a "Catch-22" situation. You're saying California is entitled to $56 million. Then you say, California is going to lose that money because they haven't complied with very reasonable and minor safety requirements. You say they shouldn't lose any money because they don't meet those requirements, but you are indicating if they had the money, they'd meet the requirements.

They had the money, and they didn't meet the requirements. So, there are questions on both sides.

Mr. PACKARD. No question about it.

The CHAIRMAN. With the money they received previously, why weren't they building all these safety features? Why aren't they in a position to have better safety in the State?

Mr. PACKARD. My position, though, Mr. Chairman, is that it is counterproductive to take away the money. Rather, give incentives to States that will comply by giving them additional funds perhaps for other areas. But to extract the means of actually meeting the requirements, to me would be counterproductive.

I am not suggesting—and I supported keeping the 55-mile-per-hour speed limit.

The CHAIRMAN. I know. I appreciate that fact.

Mr. PACKARD. But I simply feel that we can find a better vehicle of monitoring and a better incentive or a better disincentive than simply taking away highway safety monies. To me, we need to come up with a more innovative way of getting compliance than simply that.

The CHAIRMAN. I think there should be. I think we should have compliance because the compliance requirements are so minimal. For instance, with 55 you must have over half of the drivers in the State breaking the law to be out of compliance. It is just not that much to ask, I think.

Very often we provide additional incentive money for things that are really a burden on the States. If they do certain things we provide them with money. I just wonder whether or not this is the kind of thing that is asking so much of a State that we ought to have incentive money.

I don't argue with your other point. Even though we don't take direct safety money away, better and more modern highways are a safety factor. I certainly agree on that.

Mr. PACKARD. That is the point that I was going to mention, that some States have safer highways than others do, and that invites speeds in excess of posted speed limits. In California, for example, we have highway patrol for every 20-some miles of highways. The average in the Nation is 190.

The **Chairman**. Oh, yes.

Mr. **Packard**. So, it isn't that we have not put our efforts to better monitor and to better control speeds on the highways, but none of those can be plugged into the formula that results in States that are not complying for whatever reasons, to be penalized for whatever reasons. I think there ought to be more to evaluate compliance or efforts in compliance. It is much easier to comply or to monitor a State like Idaho, where I lived during a part of my life, or Utah or Nevada than it is to enforce compliance in a State like California. So, it is not always the same from one State to another in terms of meeting the requirements.

I have no further questions, Mr. Chairman.

Mr. **Anderson**. Thank you.

I was going to welcome our distinguished chairman, but he got in before I was able to do it.

The **Chairman**. Thank you, Mr. Chairman.

Mr. **Anderson**. I guess I don't have to now, do I?

The **Chairman**. No, you don't. [Laughter.]

Mr. **Anderson**. OK.

Mr. Rowland.

Mr. **Rowland**. Thank you, Mr. Chairman. I just have one question.

Realizing that States are sanctioned above the 55-mile-per-hour speed limit but not above the 65-mile-per-hour speed limit, is there more leeway given where the 55-mile-per-hour speed limit is posted than where the 65-mile-per-hour speed limit is posted? Is there more tolerance on the part of the State in enforcing the speed limit?

Mr. **Mead**. No.

Mr. **Rowland**. Well, the sanctions don't seem to make much difference, then, do they?

Mr. **Mead**. No. We have a very bizarre situation now. In fact, there is, as you know, no monitoring requirement at all for the 65 mile per hour posted roads, and there is still a monitoring requirement for the 55 miles per hour. In fact I think the State of New York is an example of a State that is having difficulty staying in compliance and they are the ones that chose not to increase the speed limit on their rural interstates.

Mr. **Rowland**. If they have not increased the speed limit then to 65, they are under threat of being sanctioned then if people exceed 55. That's the point, Mr. Chairman. The gentleman just said an out for them is to go to 65. That's the point.

Mr. **Mead**. That is exactly right, and that's why in responding to an earlier question we said if the Congress judges that you need a monitoring program, then the monitoring program ought to pertain to 65 miles per hour as well.

Mr. **Rowland**. All right.

Thank you, Mr. Chairman.

Mr. **Anderson**. Mr. Gallo.

Mr. **Gallo**. No questions, Mr. Chairman.

Mr. **Anderson**. No questions.

Well, thank you, Mr. Deen and Mr. Mead, Mr. Godwin, for an excellent presentation.

[The prepared statements of Mr. Deen and Mr. Mead follow:]

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Testimony on Speed Limit Monitoring
United States House of Representatives
Subcomittee on Surface Transportation

Thomas B. Deen, Executive Director
Transportation Research Board

March 23, 1988

Good morning. I am Thomas B. Deen, Executive Director of the Transportation Research Board. The Transportation Research Board is a major unit of the National Research Council, which, in turn, is the operating arm of the National Academy of Sciences and the National Academy of Engineering. I am pleased to be here this morning to summarize the results of our 1984 study of the 55 mph speed limit. I am accompanied by Stephen R. Godwin, one of the key staff members for that study.

As I ~~am sure you recall~~, Congress asked for a study of the 55 mph speed limit in the Surface Transportation Assistance Act of 1982. The Transportation Research Board, a major unit of the National Research Council, convened a committee of experts for this purpose. Dr. Alan A. Altshuler, Dean of the Graduate School of Public Administration at New York University served as the chairman of our committee, but could not be here today. We completed our work and reported to Congress in November of 1984. Because our committee has not met to analyze developments since that time, my comments today will be limited, for the most part, to summarizing the findings of our 1984 report.

BACKGROUND

Let me begin by reminding you about our committee and its charge. Then I'll turn to our findings and recommendations. Our charge was set forth in the Surface Transportation Assistance Act of 1982. It had two parts. First, we were asked to examine the safety and economic benefits of the 55 mile per hour speed limit. Second, we were asked to determine whether the laws of each state act as a substantial deterrent to violations of this national maximum speed limit. As part of our assignment we examined the speed monitoring system required of the states and made recommendations for improvements.

At the outset, let me note that the data leave wide room for differences of interpretation. We spent countless hours striving to appraise the significance of imperfect, fragmentary studies and data series. All we claim, finally, is that we carried out the most thorough review of evidence from around the world that has yet been conducted, that we approached the data without preconceptions, and that we believe we were painstakingly cautious in our interpretations. You will note that our estimates of the safety benefits of 55 are stated in terms of fairly wide ranges. This is to acknowledge the uncertainties inherent in the data. But we do feel that the data point consistently in certain directions, and that the truth does lie very probably within the ranges that we put forward.

REPORT FINDINGS AND RECOMMENDATIONS

Let's turn now to the substance of our report, beginning with just a little bit of history. You will recall that the 55 mile per hour speed limit was enacted at the beginning of 1974, during the first OPEC oil embargo. For many years previously, it should be noted, average speeds on the nation's main highways had been rising by about one-half mile per hour per year. In 1974, however, a sharp drop occurred. Equally important, variations in speed -- that is, the differences between faster and slower moving vehicles -- also declined.

The speed limit was enacted, of course, to conserve fuel. During 1974, however, traffic fatalities, which had been rising most years and which had reached an all-time peak during 1972 and 1973, declined sharply. 9,100 fewer people died in 1974 as a result of motor vehicle accidents than the year before, the largest single year decline since World War II. As the fuel crisis receded, the 55 mile per hour speed limit was retained on safety grounds.

We devoted considerable attention in our study to appraising the actual safety impact of 55 in 1974, since that is the year in which its effects can be observed in purest form. Even then, however, it is clear that other factors accounted for part of the safety improvement that occurred.

Total travel declined about 1.5 percent in 1974. Additionally, there was a long term trend of fatality decline at any given volume of traffic of about 3 percent a year. And there is a tendency for fatality rates to decline during periods of economic slowdown. Still, the size of the 1974 decline was far greater than could be accounted for by these factors. Our best judgment is that about one third to one half the 1974 safety improvement could be attributed to the 55 mile per hour speed limit -- a savings of roughly 3,000 to 5,000 lives. For 1984, when our study was completed, the committee estimated that the 55 mph speed limit was still saving 2,000 to 4,000 lives each year, despite the modest increase in speed that occurred between 1974 and 1984.

These benefits did not come free, of course. The most significant cost of 55 is borne in the form of additional time on the road. Before the changes in speed limit policy made in 1987, the average American motorist spent about 7 additional hours per year in his or her car as a result of 55. This translated to an average of about 40 years of additional travel time per life saved. This sounds a bit disproportionate, perhaps, until we reflect that each life saved involves an average of 41 years of additional life expectancy. Thus, society gained roughly one additional year of life for each additional year that motorists spent on the road. As additional benefits, moreover, for each life saved roughly one serious injury is averted and 15 or so lesser injuries.

Most of the additional driving time occured in increments of less than three minutes per trip, and may be scarcely noticeable to motorists. However, the time costs are considerably more salient for those who rely on the highways to make a living -- long-distance truck drivers, intercity bus drivers, traveling salesmen, and so on. Not surprisingly, support for the law is weakest among those who drive the most.

The other significant cost of 55 is for enforcement over and above what might be required with speed limits such as those prevailing in 1973. Our estimate in 1984 was that speed limit enforcement cost about 120 million dollars per year.

Rural Interstates

Taking all these considerations into account, our committee achieved a consensus in support of the view that 55 should be retained as national policy. It stopped short, however, of making a firm recommendation that it should be applied everywhere. The committee was itself divided on the question of whether the states should be allowed some leeway with respect to interstate highways in rural areas. These roads represent 6 percent of all 55-posted highways, carry 19 percent of the traffic on such highways, are typically built to the highest design standards, and have low traffic volumes per mile of highway. Not surprisingly, the additional travel time per life saved on these highways is four times as great as on other roads posted at 55.

The committee estimated that a return to the speeds that prevailed in 1973 on the rural Interstates would cost about 500 lives but would save 445 million hours of travel time annually. This means that about 100 years of travel time would be saved for each life lost. In short, the time-safety tradeoff is tougher on rural Interstates than elsewhere. The committee could not agree on whether the benefit exceeded the cost in this context. Nor could it agree on whether a relaxation of 55 on rural interstates would spill over into higher speeds on other roads. There was certainly a good deal of evidence of a spillover effect in the other direction -- that is, toward slowing down -- in 1974.

Overall, the committee judged that the value choices and uncertainties involved in the decision to relax 55 on rural Interstates could not be evaluated adequately by a group of technical experts. Thus we confined ourselves to presenting the evidence, noting that its ultimate appraisal is inherently a political task for the Congress. As we all know, Congress made that appraisal in 1987 and allowed the states to increase speed limits to 65 mph on rural interstates. In addition, that legislation did not require states to monitor speeds on 65 mph highways. Although the committee withheld judgment on the question of raising speeds on rural Interstates, it did believe that if the speed limit was increased, speeds should be monitored and strictly enforced.

State Penalties for Speeding and Compliance

This brings me to the second part of our committee's charge: namely, to assess whether the current laws of the states provide a sufficient deterrent to violations of the 55 mph speed limit. We found, to our surprise, that the strength of the penalties written into state laws correlate only weakly with actual speeds and fatality rates. Moreover, the percentage of traffic speeding on the interstate is just about the same in states with strong, medium, and weak penalties. There is evidence which suggests that motorists are more influenced by the risk of being cited at all than they are by the magnitude of the penalty. And in fact the states with weak penalties cite motorists twice as often as those with strong penalties. Overall, we concluded that there is no evidence of a direct relationship between state statutory penalties and the amount of speeding. Effective enforcement requires extensive, visible presence of officers on the road.

Compliance Measurement

Let me turn now to a topic that was not part of our original charge, but which occupied a considerable amount of our attention and which is of central interest to this subcommittee today. It is the federal procedure for monitoring state compliance with the 55 mile per hour speed limit.

The federal government requires that each state keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit, or risk losing some of its federal highway aid. The law also allows adjustments to the raw data on traffic speeds, however, for possible sampling, speedometer, and monitoring errors. These adjustments are important to the states because without them, few states would be in compliance. Indeed, some states have failed to meet the compliance standards even with the adjustments.

The problem is that the largest of these adjustments has little scientific basis. Speedometer errors are very common, for example, but they tend to cancel out and are clearly insignificant at the statewide level. We recommend, therefore, that this adjustment be eliminated. We believe that the adjustments allowed for sampling error and machine measurement error are sensible. We also reviewed the sampling plan that the Federal Highway Administration requires the states to follow in selecting sites for speed monitoring. If the sampling plan is followed, it should provide a representative estimate (within the range of sampling error) of statewide speeds on highways posted at 55 mph.

Additionally, we noted that the states are equally vulnerable to penalty at the moment because of trivial or major violations. The current monitoring approach, for example, fails to distinguish between vehicles traveling 56 mph and those going 75. Similarly, it fails to distinguish between vehicles traveling on interstate vs. secondary roads. Those traveling 75 are more dangerous than those traveling 56, however, and those speeding on two-lane, undivided highways are far more dangerous than those moving at the same speed on interstates.

Our committee believed that the national monitoring system should recognize these differences, and should encourage the states to concentrate on preventing the more dangerous violations. Thus, we recommended that the current monitoring system be replaced by a point system weighting violations by road type and degree of speed violation. Among other things such an approach would be in accord with traditional speed enforcement practice, which is to allow motorists a few miles per hour of leeway above the posted speed limit.

As an illustration of the point system concept, a state would be found out of compliance if it scored more than a set number of points with speed violations weighted in the following way. Violations between 55 to 59 mph could be weighted by, say, one point, violations between 60 and 64 could be weighted by 5 points, and violations over 65 mph could be weighted by 10 points. A point system could be extended to reflect safety priorities on different types of highways as well. Fatality rates on two lane highways are from two to four times greater than fatality rates on Interstates, and speeding on these highways should be emphasized by enforcement. By weighting high-speed drivers on roads with poorer safety records more heavily, the states would be encouraged do devote their enforcment resources where the safety risk is the greatest. Such a point system proposal was put forward in section 203 of H.R. 2 in 1987. Whether the formula and weight proposed in that legislation would apply now that highways posted at 65 mph no longer have to be monitored would have to be determined, but it was in the spirit of our recommendation.

IMPLICATIONS OF CHANGES IN SPEED LIMIT POLICY SINCE 1984

The changes in national policy since our committee completed its work deserve some mention. At the time our committee made its recommendations, 55 mph was the maximum speed limit for all highways. Since then, Congress has allowed states to increase speeds on rural Interstates, and rural highways built to interstate standards, to 65 mph. In addition, the states are no longer required to monitor speeds on 65 mph highways. Of course, we have not reconvened our committee to determine whether its recommendations apply in this context. In principle, a monitoring system that weights high speed violations more heavily than low speed violations continues to make sense.

Nonetheless, it seems to me that the changes in policy since 1984 could have some unintended consequences which may affect speed monitoring. For example, the states that keep rural Interstates at 55 mph for safety reasons will have a hard time keeping interstate traffic in compliance when the other states have gone to 65 mph. Even an improved monitoring system may, in effect, penalize states for trying to keep rural Interstates posted at 55 mph when motorists traveling through from other states expect speed limits to be 65 mph. It would be disappointing if states elected to raise speed limits to 65 mph because they wanted to avoid the potential sanctions that accompany monitoring.

Another unintended consequence of not monitoring speeds on rural Interstates has been the loss of the actual data on traffic speeds. Our committee was able to make judgments about the effects of the 55 mph speed limit in part because it had long term trend data on traffic speeds to examine along with trend data on fatalities and injuries. The monitoring system provided the speed data. Even though these data were imperfect, by examining the unadjusted speed data we gained a reasonably good notion of the trend in aggregate speed behavior. Congress has charged the Department of Transportation to study the consequences of the 65 mph speed limit on safety. Without speed data that has been collected consistently by the states with higher speed limits, this will be a difficult assignment.

SUMMARY

In summary, our committee found the 55 mph speed limit to be an effective safety policy. We recommended that it be retained as national policy, but withheld judgment on whether the states should be allowed to raise speeds on the highest quality rural highways. Although our committee did not recommend higher speed limits, it certainly believed that they should be strictly enforced. We recommended that speed monitoring continue, but that it be replaced by a new method to better reflect the degree of risk associated with different types of speed violations.

That completes my comments Mr. Chairman. I appreciate the opportunity of testifying and would be glad to answer any questions that you might have.

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Highway Safety: Monitoring Practices To Show Compliance With Speed Limits Should Be Re-examined

Statement of
Kenneth M. Mead, Associate Director
Resources, Community, and Economic
Development Division

Before the
Subcommittee on Surface Transportation
Committee on Public Works and Transportation
United States House of Representatives

Mr. Chairman and Members of the Subcommittee:

We appreciate this opportunity to appear before the Subcommittee to discuss the results of our forthcoming report on how the states monitor compliance with the 55 mph national maximum speed limit. We focused our work on whether state practices and procedures for collecting data on highway speeds followed federal law and Federal Highway Administration (FHWA) guidelines. We also examined the speed monitoring program in relation to the congressional goal of improving highway safety.

Our testimony today will make two basic points. First, our review of monitoring practices and procedures in six states found them to be, with only a few exceptions, in accordance with FHWA guidelines. Second, the current speed monitoring program and the basis for penalizing the states for noncompliance, in our opinion, bear little relation to the goal of improving highway safety. With regard to the second point, we wish to emphasize that we did not examine the safety benefits of the 55 mph speed limit. Instead, our review focused on the monitoring program and the basis for penalizing states determined to be out of compliance.

BACKGROUND

The 55 mph national maximum speed limit, originally enacted by the Congress as a temporary fuel conservation measure in 1974, was made permanent in 1975, after the energy crisis had abated, because it apparently saved lives. At first, the Congress required only that states certify that they were making an effort to enforce the speed law. In 1978, however, the Congress established the penalty provision whereby a state could forfeit up to 10 percent of its primary, secondary, and urban highway funds if a set percentage (currently 50 percent) of its motorists on 55 mph posted highways exceed the limit.

FHWA has issued guidelines to the states on how to select the sample of roads where speeds will be recorded, where to locate monitoring equipment, and how to conduct the speed monitoring sessions. Originally, speeds were to be recorded only under "free-flow" traffic conditions. However, in 1980, FHWA changed the guidelines to allow states to record speeds under more representative travel conditions. Most states switched to 24-hour monitoring and began to record speeds even when traffic was congested and during inclement weather.

In 1987, the Congress allowed the states to raise speed limits on rural interstate highways to 65 mph. However, states that raise the limit to 65 mph are not required to monitor motorist speeds on those roads. To date, 39 states have raised the speed limit to 65 mph on all or part of their rural interstate highways. Still, more than 500,000 miles of roads remain posted at 55 mph. These roads remain subject to speed monitoring, and the states are subject to sanctions if more than 50 percent of traffic on these roads exceeds the 55 mph speed limit. Recently, three states went out of compliance with the 55 mph speed limit law. Two of these, California and North Dakota, had raised the speed limit to 65 mph on rural interstate highways. The other state that went out of compliance, New York, has retained the 55 mph speed limit on its rural interstates.

In conducting this review, we interviewed federal and state highway and law enforcement officials in six states: Arizona, Idaho, Maryland, Maine, New York, and Vermont. Although we did not attempt to develop a statistically representative sample, we believe that these six states are illustrative of the broad range of highway conditions in the nation and of the problems that some states have experienced in complying with the speed monitoring law. Both densely traveled roads in eastern states and lightly traveled roads in western states were included.

In addition to conducting interviews and reviewing documents, we visited 63 of the 204 speed monitoring sites located in the six states to find out if they were properly located. We also witnessed several demonstrations of the different types of equipment used to collect speed data and examined the speed monitoring plans and reports of the past 5 years for the six states in our survey.

COMPLIANCE WITH FHWA MONITORING REQUIREMENTS

The information gathered from the six states that we visited indicates that their monitoring programs generally meet federal requirements. However, we did identify several problem areas, including inconsistent FHWA oversight of speed monitoring programs in the states that we visited. FHWA officials told us that they are aware of the problem and that they are planning field trips to all FHWA regional offices to reassess oversight practices and to ensure greater consistency. We also encountered several cases where speed monitoring sites were inappropriately located and some instances of possible bias in the speed data caused by state police patrol tactics. For the most part, these problems are being or have been addressed by the appropriate agencies.

Inappropriate Monitoring Site Locations

FHWA guidelines on the placement of speed monitoring sites stipulates that they should not be on sharp curves, near traffic signals, or near other unusual features that would affect travel speeds. In visits to speed monitoring sites, we found most sites were located in accordance with FHWA guidelines. However we found several that we believe were inappropriately located. These included sites near traffic lights, places where traffic merged, and speed advisory signs.

For example, of nine sites we visited in Maryland, one was between two traffic lights where it would be difficult for a vehicle to reach a speed of 55 mph if either signal were red. In New York, one of the eight sites that we visited was on a road that was not posted 55 mph throughout the 5-mile segment. It was a residential neighborhood where posted speeds ranged from 15 to 30 mph. There was a 55 mph sign at the place where speeds were being recorded, but it was hidden behind a tree. These cases were the exception, not the rule.

State Police Involvement

In each of the six states that we visited, state police officials receive copies of the state's speed monitoring statistics. In at least one state, the police receive site-specific results, and they occasionally use this information to focus their enforcement activities in areas where high speeds are recorded. This practice could bias the data collection effort, although none of the police officials with whom we spoke said they purposefully try to influence the speed data by patrolling sites during monitoring sessions.

This has not always been the case. For example, in two of the six states, patrol cars were stationed at monitoring sites while speeds were being recorded. In both cases, FHWA division officials noted the infraction and disregarded the speed data collected during these sessions.

SPEED MONITORING DATA DO NOT ALWAYS REFLECT STATE/ HIGHWAY SAFETY OR ENFORCEMENT EFFORTS

We found that state compliance with the 55 mph speed law, at least as measured by the criterion that at least 50 percent of the traffic on 55 mph posted roads obey the limit, is not necessarily the best indicator of highway safety, nor does the level of compliance necessarily reflect speed enforcement efforts by state police. States with relatively good compliance records, as reflected by program monitoring data, do not always have the best highway safety records in terms of accident fatalities, and states that aggressively ticket speeders do not necessarily motivate motorists to comply with the 55 mph speed limit.

The 55 mph speed limit was made permanent, in part, because the evidence suggested that it saved lives. Although the 55 mph speed limit may enhance highway safety, we did not find any evidence that the current procedures for monitoring and judging state compliance and determining sanctions correspond to highway safety. In the states we visited, we found no relationship between the current measure of compliance (percentage of traffic exceeding 55 mph) and the fatality rate on rural interstates. For example, Idaho had the best compliance record of the six states, but also had the second highest fatality rate. On the other hand, Maine, with the second highest percentage exceeding the 55 mph speed limit, had the lowest fatality rate. (See app. I.) Other studies have reached similar conclusions.

How successful a state is in remaining in compliance is, at least in part, a function of the types of roads posted 55 mph. If a state only posts its best highways at 55 mph, it will have more difficulty staying in compliance than a state that also posts less well-designed roads at 55 mph. Vehicles will travel faster on the better roads. In addition, a state, like New York, that chooses to retain the 55 mph speed limit on rural interstates for safety purposes might find itself facing sanctions it could have avoided by raising the limit. Moreover, states with compliance problems can take actions such as raising the speed limit to 55 mph on less well-designed roads. Because traffic will normally be slower on these roads, their speed monitoring data will improve, but safety might suffer as a result.

The current standard for judging compliance does not consider the differences in road design or the seriousness of the speeding infraction. All roads that are being monitored are weighted equally in determining whether a state is complying with the speed law. Very high-speed driving on rural two-lane roads is weighted the same as a violation that is just slightly over the limit on a modern interstate highway with controlled access and multiple divided lanes. Thus, minor infractions on relatively safe roads are treated no differently from high speed violations on relatively less safe ones.

The current compliance measurement system also does not take into account a state's effort to control speeding. For example, in 1985 Maryland state police issued more than 180 speeding citations per mile of road posted 55 mph. This was between 2 and 13 times the citation rates of the other six states that we visited. Nevertheless, Maryland was unable to stay in compliance. In general, we found little relationship between state police enforcement efforts and recorded highway travel speeds.

ALTERNATIVE APPROACHES TO MEASURING COMPLIANCE AND ASSESSING SANCTIONS

A number of state officials responsible for the 55 mph monitoring program told us that the current criterion is an inappropriate basis for assessing sanctions. They believe that other factors, such as the type of road where the speeding occurs and how fast the vehicles are traveling, should also be considered. Some believe that a state's enforcement efforts, as measured by the number of citations it issues for violating the 55 mph speed limit, also should be considered before penalties are assessed. Some studies have suggested point systems where greater weight would be given to very high-speed driving and to violations on less well designed roads.

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To summarize, although we found some discrepancies in state speed monitoring practices, we believe that, on balance, the speed limit monitoring programs in the states we visited are generally in compliance with federal regulations. However, our review leads us to conclude the current compliance measurement program does not correspond with the broader congressional goal of improving highway safety. The approaches available to the states to remain in compliance, such as raising speed limits, may work against the goal of making the highways safer.

Therefore, our forthcoming report will point to the need for a reassessment of the compliance measurement program by the Secretary of Transportation. In particular, we believe that the Secretary should examine the feasibility of introducing a weighting scheme that places greater emphasis on high speed driving, violations on roads with poorer safety records, and the intensity of a state's enforcement efforts. The Secretary should report the results of this examination to the Congress and recommend any legislative changes necessary to improve the compliance monitoring system.

In its comments on a draft of our report the Department of Transportation (DOT) expressed basic agreement with our observation that the current compliance monitoring system is flawed. However, DOT believes that any weighting scheme devised to improve the program will merely cause the states to adopt new strategems to avoid the threat of sanctions. DOT said that instead the Congress should return to the pre-1978 procedure whereby the governor of each state certifies that the state has not posted any roads above the limit allowed by Congress and that enforcement efforts are in place. Such an alternative is certainly within the Congress' prerogative. However, if the Congress chooses to continue to require the states to monitor and report speeds on 55-mph-posted roads and to provide sanctions for noncompliance with a performance standard, we continue to believe that the current system should be redesigned so that it better corresponds to the congressional goal of improved highway safety.

This concludes our prepared statement. I will be pleased to respond to any questions you may have.

Mr. ANDERSON. Our next witnesses, as a panel, are William Denihan, director of the Department of Highway Safety, State of Ohio, accompanied by Col. Jack Walsh, superintendent of Ohio Highway Patrol; Col. Clinton Pagano superintendent of the New Jersey State Police; and Maury Hannigan, deputy commissioner, California Highway Patrol.

I believe Mr. Gallo would like to welcome Mr. Pagano.

Mr. Gallo.

Mr. GALLO. Thank you, Mr. Chairman.

I would like to take this opportunity to welcome Superintendent Pagano, who has been a strong advocate of the 55-mile-per-hour speed limit, along with Gov. Tom Kean of the State of New Jersey.

It's good to see you, and I look forward to your testimony.

Mr. ANDERSON. Thank you very much, Dean.

I am also sure that our chairman—as a matter of fact, I am told he would—would like to also welcome Mr. Pagano.

The CHAIRMAN. I would. Just so there may not be any thought of only Mr. Gallo welcoming Mr. Pagano, I and the committee welcome him. I just want to let you know that my wife Marlene's last name is Vetrano. So, I can welcome you, too. [Laughter.]

The CHAIRMAN. We are very, very proud not only to have you here, Clint, but ~~also~~ very proud to have you back there in New Jersey. You are doing a great job in the very difficult situation that you face. So, we are happy to have you here.

Mr. PAGANO. I suppose, Mr. Chairman, this is a practical exercise in teaching me not to stop for coffee in the cafeteria and meet you promptly. They reminded you that you want to be down here.

Mr. ANDERSON. Maybe then I ought to ask for equal time and welcome Mr. Hannigan from California.

The CHAIRMAN. I move that you take all the time that you would want.

Mr. ANDERSON. OK. [Laughter.]

Mr. Hannigan, you have just been welcomed, and we are also going to welcome Mr. Denihan from Ohio and everyone else.

I am told that we do have Mr. Denihan's prepared statement and Mr. Hannigan's prepared statement.

But I am also told that Colonel Pagano does not have a prepared statement. Is that right?

Mr. PAGANO. That's correct, sir.

Mr. ANDERSON. All right. These others, however, will be made a matter of the record in their entirety. Your prepared statements will be inserted immediately following your oral presentations.

All right, Mr. Denihan, you are first.

TESTIMONY OF WILLIAM M. DENIHAN, DIRECTOR, DEPARTMENT OF HIGHWAY SAFETY, STATE OF OHIO; ACCOMPANIED BY COL. JACK WALSH, SUPERINTENDENT, OHIO HIGHWAY PATROL; MAURY HANNIGAN DEPUTY COMMISSIONER, CALIFORNIA HIGHWAY PATROL; AND COL. CLINTON PAGANO, SUPERINTENDENT, NEW JERSEY STATE POLICE

Mr. DENIHAN. Mr. Chairman, my name is Bill Denihan, director of the Ohio Department of Highway Safety. I am joined this morning by Col. Jack Walsh, who is the superintendent of the Ohio

Highway Patrol. We are here to testify on the impact of the 65 speed issue in the State of Ohio, and my testimony will cover the following areas, that will be very brief: an understanding of where the speed issue was before the increase to the 65-mile-per-hour in Ohio; the results of the 65-mile-per-hour speed increase in Ohio; and some perspectives and recommendations that we would like to share with you to take into the national perspective.

I am honored to be here today. I hold the position that higher speed limits on the rural interstates do indeed dramatically increase traffic deaths. This is opposite to the administration's position that 65-mile-per-hour speed results in a slight increase in fatalities.

Speed kills is more than just a very simple slogan. It is, unfortunately, a fact of life today. Unlike most States, when the speed limit increase was first debated in the Ohio Legislature, our Governor, Richard Celeste, Col. Jack Walsh and myself opposed the increase of the speed limit. Although we lost that battle, we insisted on a stiffer penalty point system. Under the new progressive point system, repeat and high-speed violators can lose their license very quickly, within a year's time. The State highway patrol had the responsibility of dealing with this new law. It fell to them to adopt a very rigorous enforcement policy which sent a very clear safety message to the motorists in Ohio. Col. Jack Walsh will talk about that in his testimony.

One of our main obstacles was dealing with the perception that a tolerance exists. During the debate in the General Assembly, we were asked what is the average speed people were traveling in Ohio, and we had to agree that they were driving 61 to 62 miles an hour. We also had to agree that they were driving under the perception that a tolerance existed and that they could drive between 5 and 10 miles above the posted speed limit.

Our concern was and is today that this perception would lead people to think that they could drive between 6 to 10 miles over the posted speed limit. We were concerned about that because we believe, and we see in the results, that the higher the speed the greater the number of crashes will occur and the greater severity of the consequence of those crashes.

In Ohio, in spite of a very strict, strong point penalty system, in spite of our very aggressive policy in dealing with the perception that a tolerance existed, we had seen a dramatic increase in fatal crashes.

Ohio passed a law on July 15 of last year, and these statistics I share with you are from July 15, 1987 to February 29 of this year. They show that in the 65-mile-per-hour zones on rural interstates we have seen a 47 percent—47-percent increase in fatal crashes. We were told in the very beginning that our highways were built to achieve speeds up to 65 and 70 miles an hour, that these are the safest roads in the State, and that we would not have an increase in fatalities.

We indeed have an increase in fatalities, not only on the 65 but also on some of the 55 roads in Ohio. One of the very important and interesting look at our figures shows that our overall rural fatalities is only up 16 percent. That is 16 percent for the latter half of the year. For the total year it was up only 8 percent.

We find that an increase of 47 percent is dramatic and we would hope that some of the recommendations that we share with you after Colonel Walsh testifies may be adopted at a later finding.

Speed is viewed, has been viewed for many years, as just the law enforcement problem. We have had what we feel is the strongest law enforcement agency in the country. The Ohio Highway Patrol, for the first half-year issued over a half a million tickets. The majority of them were for speeding.

I would like now to introduce Col. Jack Walsh, who will talk about some of those perspectives.

Mr. ANDERSON. Mr. Walsh.

Mr. WALSH. Mr. Chairman, I am very pleased to have the opportunity to be here today to address such an important issue not only in Ohio but, I think, across the country. As Director Denihan has mentioned, the Ohio Highway Patrol has opposed the effort to raise the interstate speed limit to 65 miles an hour. Our opposition was based upon the experience that we had had in Ohio that interstate deaths had dropped from an average of 105 per year to 57 per year after the implementation of the 55-mile-per-hour national speed limit.

There is a chart in the handout material that Director Denihan has prepared that shows that figure very, very clearly that 55 did save lives.

Our opposition to the increase in the speed limit to 65 was done at several different levels. Number one, we were asked to testify before the Transportation Research Board that put out the document that was just addressed in a previous panel. We expressed our concerns at that level.

We were also given the opportunity to be before this body about a year ago and gave testimony. We also gave testimony in our own legislature in attempting to overcome the change in the speed limit, but with no avail.

Now, when the new law was adopted by the Ohio Legislature, we asked for and received a stricter point system in our law that we had hoped would deter speed violations. Our legislature established a progressive point system that increased the number of driver license points that are assessed against repeat and high-speed violators. This new point system was the only trade-off for a concession that law enforcement was able to realize in the process in our legislature.

Upon getting this one concession, we realized that it would behoove us to have a very aggressive enforcement strategy to make this point system work for us to deter habitual speeders and those who operate at very high speeds on our public highways.

As Director Denihan mentioned and I think all of us in this room know, the public has come to believe in the existence of a police tolerance level. This perceived tolerance leads drivers to believe that they can drive several miles per hour over the speed limit with no fear of being arrested by a police officer.

The tolerance has the effect of making the actual speed limit the sum of the legal limit plus the perceived tolerance. Therefore, one of our first tasks in Ohio, we felt, was to invalidate the perception of tolerance with an enforcement program that concentrated on lower range violations, those violations that used to be perceived by the public as to be a free zone.

This program had two main elements. The first was a concentrated public information program which advised the public that troopers would focus on lower level speed violations. The second part, of course, was an enforcement policy which gave troopers the latitude as well as the direction to arrest people exceeding the speed limit by as little as 1 mile an hour over the speed limit. Our public statement was that enforcement starts at 66 miles an hour.

In the last full year before the speed limit was raised to 65 miles an hour, the troopers of our State issued very few citations in the 1- to 5-miles-per-hour range. In the first 5½ months, from July 15, when our new law went into effect, we have issued over 4,296 citations from between 1 and 5 miles an hour in order to show the public that we are serious about enforcement. In addition to the citations, we issued over 34,000 warnings in this lower level.

Although we have had only about 8 months to evaluate the effect of our tough new enforcement policy, we can say that a great deal of media and public support was given to our effort to counter the perceived police tolerance for low-level violations of the speed law.

Our experience for the first few months of the new law was that we had excellent compliance. It is our judgment that as people's comfort zone in driving at the new speed limit of 64 to 65 miles an hour, as that comfort zone was enhanced, we are now seeing the higher speeds not only on our 65-mile-per-hour highways but our secondary highways as well.

My final comment that I would like to make to you is that we are conducting a study in conjunction with the Ohio State University to determine the true impact in our State on the 65-mile-per-hour speed limit. The study will determine why accidents have increased on the interstates system and how the spillover effect is influencing the number and severity of accidents on our secondary highway system that connects to the interstate highways.

My final point is that the gentleman before me talked about the Transportation Research Board's work that went into preparing this document. In the executive summary they made a statement that it is possible with the increase to 65 miles an hour across this country that there may be an increase of 500 more fatalities. I believe that we are seeing that happening today, particularly in Ohio when we have only had the speed law for 7 months.

Thank you, Mr. Chairman.

Mr. ANDERSON. Thank you, Colonel.

Mr. DENIHAN. Mr. Chairman, I would like to conclude with our recommendations, if I may.

Mr. ANDERSON. Go ahead, please.

Mr. DENIHAN. Thank you, sir.

I would add that I think it should be intolerable that we should accept any increase in any fatalities on our safest roads in America. We would like to share with you a number of points especially as it deals with NHTSA and their evaluation at the end of the first year's impact.

We think that to determine some real conclusions relative to the elements that would cause some of these increases, that these following points should be made:

An evaluation of the 65 impact on connecting secondary roadways as well as the urban interstate system; an evaluation of the 65 impact on the interstate off ramps; a comparison of the experience between States which have a dual speed limit such as Ohio does and States that have either purely 55- or the 65-mile-per-hour speed limit.

An understanding of the safety environment in which these statistics are collected is extremely important, and you should also address through a survey the difference of all the States we have involved in the 65-mile-per-hour speed limit, especially their commitments to speed enforcement and tickets issued as measured against number of licensed drivers in the State, and the judicial and administrative penalties which each State and law permits.

From a national standpoint, our current system is wreaking havoc on the traffic safety picture. The interstate highway is our national system and should be governed accordingly. Right now we are faced with a real hodge-podge of speed limits and no standards for compliance with the higher limits. The economic sanctions which now apply to the interstates with the 55-mile-per-hour national maximum speed limit is not the most effective way to deal with this problem, especially since we have no sanction on the 65-mile-per-hour rural interstates. As it stands, sanctions are often viewed as a paper tiger by States, especially those that are in jeopardy of a sanction which fails to materialize.

I call upon you to enact a better approach, an approach to safety as opposed to looking at speed averages and to establish a formula to determine a tolerable level of increase in fatalities for each State. If the tolerable level or thresholds are exceeded at the 65-mile-per-hour speed limit, it would have to be restored to a fixed period of time, presumably the anniversary date on which the State adopted the higher speed limit. That it seems to me would represent a sanction that can be readily measured and which is associated with the bottom line, and that is saving lives, which is what we are really all about. Increasing speed really doesn't save lives.

Thank you very much, Mr. Chairman.

Mr. **Anderson**. Mr. Pagano.

Mr. **Pagano**. Thank you very much, Mr. Chairman.

I come without a prepared statement, which in and of itself speaks to preparation, but nonetheless I do come before you with years of experience much the same as Maury Hannigan and Jack Walsh. I am not speaking among strangers. These are people with whom we do business each day.

I think Jack put it in a little different context. We came before this very committee, a year or two back, to speak about the 55 and speak about our perceptions of what in fact the raise to 65 would mean. We now come back to the very committee that we appeared before, telling you in as soft terms as possible, "We told you so."

The raise in speeds has brought with it other problems to law enforcement and other problems to the public. The perception that the speed went to 65 was that there was not going to be the kind of interest paid to the safety issues that we have been hammering on for many years. I believe that that particular perception is now reality. The speeds, it would appear, have not increased in a standard form, they have increased geometrically, and I think that this is borne out by NHTSA standards.

We sent the wrong signal to the public. We work with interstate systems. We work with people who travel interstate, people who tend to forget that when they come to the 55 limit, that it really is there.

The sanctions that are currently in the law have acted as an intimidation to those States that remain at the 55. I have listened here this morning to a variety of conversations, including, if you will, a study or a suggestion that sanctions be imposed at a 2-percent level in those States where they fail to comply, for instance, with a disability parking situation.

The sanctions, as they currently exist, virtually force the five States to look again at their 55. But nonetheless, in New Jersey—and I can speak for New Jersey—we are holding fast with the 55 because although our deaths have escalated, they have not escalated as dramatically as they have escalated in those States where they raised the speed to 65.

I would ask—and I think that it would be difficult for me to add to the testimony that we have already heard from Ohio—but I would ask that we look at some realistic plan on the part of the Federal Government to restructure the sanctions and make them applicable to every State.

I heard some questions raised a few moments ago by a Member of the Congress about the issue of sanctions per se. The sanctions act as motivators for the States to comply and to stay within limits as far as highway safety is concerned. I do believe that the sanctions are warranted. I don't believe that the changes that have taken place over the past several months should ever have taken place.

I am available for questions should any of you have any questions of me.

Mr. ANDERSON. Thank you, Colonel.

Our next witness is Maury Hannigan.

Maury, we do have your prepared statement.

Mr. HANNIGAN. Good morning, Mr. Chairman, committee members. I am Maury Hannigan, deputy commissioner of the highway patrol in California. I am here today representing both my agency as well as the State of California.

Mr. Chairman, I have submitted the full text of my comments, and I ask that they be entered into the record.

Mr. ANDERSON. They are all a matter of the record.

Mr. HANNIGAN. I have summarized from that testimony to expedite this review.

My charge today is to discuss speed compliance and speed monitoring, but my subject is highway safety, because in whatever fashion we decide to approach the speed issue, the only outcome of any consequence is the effect upon highway safety.

California believes this about speed: first, that the 55 limit is the appropriate maximum on most State roadways, with the only exception being a relatively minor number of miles of rural freeways; second, that the States had a long and successful history of administering speed limits before the national maximum was established and can very well be entrusted with monitoring authority once again; and third, that the issue of how much we enforce the maximum limit really is part of a very complex formula which weighs a whole range of enforcement responsibilities, in terms of what I have just identified, as the only real measure of success.

What combination of actions has the greatest effect upon overall traffic safety? The simple fact is that safety is the primary objective. Somehow that seems to be overlooked in all the discussions about speed compliance. As practitioners, the law enforcement people on the street doing the job, we are constantly reminded that our resources are limited; we necessarily must make choices. The men and women of the California Highway Patrol average one arrest every eleven seconds, of which approximately 3,000 per day are for speed violations, 400 per day for drunk driving violations, and 1,400 per day for seatbelt violations, just to name a few.

In addition to their varied responsibilities such as commercial vehicle enforcement and motorist assistance, these same officers collectively investigate nearly 600 traffic accidents a day. Accordingly, they understand tragedy. They can see the carnage and human suffering every day. They know very well what the principal causes are.

Contrary to the popular belief of the well-intended but frequently misinformed, seldom is a violation of the maximum speed limit a causative factor. In California, for example, 14 percent of our (California's) fatal accidents involve a speed violation, but almost all of those speed violations are for excessive speed for conditions. That is to say the driver was traveling too fast for traffic conditions, for weather conditions, or for road conditions, but not necessarily exceeding the maximum speed limit.

In fact, over the past 10 years we can only point to 2.2 percent of our fatal accidents being caused by a violation of the maximum speed limit. Nevertheless, I was reminded by some witnesses at a recent Senate hearing—who are not firsthand practitioners—that their answer to reducing our mileage death rate is to involve ourselves in more maximum-speed enforcement, even for minor infractions, and even at the cost of other traffic safety priorities.

I tell you this is pure folly. But that outlook has become so entrenched in some quarters that well-balanced traffic safety programs can be endangered.

Don't misunderstand me. Enforcing speed laws is important, especially where speed violations are contributing to accidents. But maximum-speed enforcement alone is not the panacea for all our traffic safety problems. Drivers under the influence of alcohol or drugs, according to NHTSA, are responsible for about 40 percent of our Nation's fatal traffic accidents. In California that figure stands at 35 percent.

With those figures in mind, it would be irresponsible for the California Highway Patrol to devote more than one-third of its enforcement effort to maximum-speed violations. I suggest to you that to do so would be contrary to the public interest and in direct conflict with the mandate of our Governor and our State Legislature to improve highway safety.

The proponents of increased maximum-speed enforcement normally argue the severity factor, stating the lower the speed at impact the higher the chance of survival. There is no argument there. Physics tells us that lower speeds mean lowered severity. But from an enforcement perspective, shouldn't our first priority be to reduce chances of the accidents occurring in the first place? And if fewer DWI drivers are on the road, fewer accidents are likely to occur.

It is the difference between prevention and mitigation. Current Federal oversight of the speed limit is directed toward the latter, and I say that the priority consideration must be the former. My department would gladly trade some of those 1 million speed citations we issue each year for an increase in the 135,000 to 150,000 drunk drivers we arrest, based on the simple fact we would probably save more lives. Unfortunately, Mr. Chairman, the threat of the Federal acts denies us this flexibility.

I now want to deal very briefly with the general issue of monitoring and sanctions because I know your committee is concerned with what improvements might be made in the process.

But first let me clearly state from California's perspective and for the record that while California and many other States strongly support the 55 as the general maximum limit, California also believes in a State's right to regulate its own speed limits and establish its own traffic safety priorities.

While out of necessity I will address the various approaches that may be considered if Congress insists on some type of Federal oversight of the national maximum limit, in reality we have not been able to identify a monitoring system or sanctions process which is equitable to all the States in all cases.

Therefore, we would ultimately favor total repeal of a Federal monitoring or sanction system as the driving force behind the national maximum speed limit.

We fully agree with the recent testimony offered by the National Highway Traffic Safety and Federal Highway Administrations wherein they express confidence in the States' ability to enforce their own laws without detailed Federal oversight.

If we must approach that status by degrees, we then believe major and immediate changes in the present system are in order. The present system is totally ineffective and inequitable. In terms of ineffectiveness, a violation of 57 miles an hour on a full interstate freeway currently counts the same as a violation of 85 miles an hour on a two-lane county road.

In addition, law enforcement officers rarely cite violations which are 2 or 3 miles an hour over the limit because courts tend to focus on the more serious violations. But the Federal monitoring process assigns equal weight to the marginal as well as to the reckless speed and disregards roadway type.

The cure for these deficiencies should be obvious. A more sensitive barometer which weighs violations in terms of both extent of speed and type of roadway, which H.R. 3129 and H.R. 2, which were previously considered, attempted to do. The mix of roadway types within the individual States and the technical question of how speeds are monitored—that is, do violations start at 56.0 miles an hour or do they start at 55.1 miles per hour—are also problems. These weaknesses also need to be addressed.

Perhaps of more importance is the potential use of incentives instead of sanctions or possibly combining the two. The present system relying on sanctions alone can literally eliminate a State's planned safety improvements because highway funds are withheld as a penalty. This in fact is self-defeating, since it will result in more deaths, not less, which in my view is directly in conflict with what the congressional intent was.

We see a major shift in the way compliance is encouraged through a movement away from sanctions toward incentives. For example, one straightforward approach would be the use of highway safety funds, 402 funds, as incentive grants to States which show a decline in their mileage death rate in a given year. This is merely one criterion. Many others could be devised.

Or, if the accumulation of sanction points is retained as a measurement of compliance, the total aggregate could be offset by incentive points awarded for achievements during the target year. For example, a mandatory seatbelt law might be worth 50 points, and this figure could be subtracted from the overall compliance score.

Other possibilities in this vein that could be considered are improvements in the mileage death rate, adoption of an aggressive DWI education enforcement effort, adoption of a new speed enforcement emphasis program, implementation of an aggressive seatbelt use or education program. Again, many more possibilities could be developed.

You will note that the emphasis is always on safety. I believe California's traffic safety program has been extremely effective, as evidenced by our overall mileage death rate of 2.4. We have been doing many things right, and we are confident that we can continue to do so.

What we are asking for is flexibility and recognition of real priorities and the elimination of counterproductive sanctions. That would be our recommendation for a first step. As I noted, ultimately we see safety objectives best served by restoring total authority to States for prioritizing and enforcing their own traffic safety laws and monitoring their own compliance and for the Federal Government to coauthor safety projects with the individual States based on the needs of those individual States.

I have appreciated the opportunity to present this testimony, Mr. Chairman, and would be glad to answer any questions.

Mr. ANDERSON. Thank you very much.

Our distinguished chairman would like to speak at this point.

The CHAIRMAN. Thank you, Mr. Anderson. I will be brief. First, Mr. Hannigan.

Mr. HANNIGAN. Yes, sir.

The CHAIRMAN. About the experience in California, for sometime, I believe, as far as we knew, California was the only State where the State police had an official position to increase the speed limit, I believe.

Mr. HANNIGAN. You are probably right.

The CHAIRMAN. Right. After the speed limit was increased, there was a program on television, I believe it was on "Nightline," and one of the three participants—is there a Mr. Davis? I don't know why I have that name in mind.

Mr. HANNIGAN. Ed Davis?

The **Chairman**. I don't mean the one from Los Angeles that was running for Governor, but is there another person by that name in the State police?

Mr. **Hannigan**. You are probably talking about our commissioner, Jim Smith.

The **Chairman**. Jim Smith. Perhaps.

Mr. **Hannigan**. He was on "Nightline."

The **Chairman**. Oh, he was on "Nightline."

Mr. **Hannigan**. Yes, sir.

The **Chairman**. He's the one.

There was an early comparison of what happened on the roads in 1986, when the speed limits were 55 with those same roads in the States that went to 65 on the rural interstates during those same months in 1987.

They asked Mr. Smith what happened in California. He stated at that time that from the year before during those same months the travel had increased 10 percent in a growing State like California.

Mr. **Hannigan**. On the rural interstates, that's correct.

The **Chairman**. Yes; and that the fatalities went up 12 percent, he said. So, it was almost the same.

I had in front of me at that time, watching it, information from the National Highway Traffic Safety Administration that indicated that in those months from 1986 to 1987 in California on the rural interstates, that the death rate had gone from 64 in 1986 to 94 in 1987, which was a 47-percent increase.

Mr. **Hannigan**. And that information was in error.

The **Chairman**. It was?

Mr. **Hannigan**. Yes, sir.

The **Chairman**. What was the charge?

Mr. **Hannigan**. Well, for one thing, when NHTSA compiled that data, they included the month of May. We did not change the speed limit until May 29 and did not get the roads posted until mid-June.

They also included all of our——

The **Chairman**. Well, wait a minute then. They included May, and you didn't raise the speed limit that 1 month—right?

Mr. **Hannigan**. Right.

The **Chairman**. That means that fatalities went from 64 to 94 in 1987 with one of those months still being at 55?

Mr. **Hannigan**. No. No. They included May. And also, Mr. Chairman, they included all our rural interstates. We did not raise the speed limit on 20 percent of our rural interstates.

The other point being that prior to us raising the speed limit, the 3 months before we raised the speed limits, the fatalities on our rural interstates went up 63 percent.

So, some of the numbers that were being quoted to you included May and should not have—we took the 3 months of June, July, and August, and our fatals went up 3 percent. They went from 61 to 63.

The **Chairman**. You counted only 2 months in which you were up to 65 and 1 month while you were still at 55. Then NHTSA also included all of the other rural interstates or all the interstates which had not gone up. So, you had more still at 55.

Mr. **Hannigan**. Correct.

The **Chairman**. Yet, with only those 2 months of some of your roads at 65, you went up from 64 to 94, which to me is even more dramatic than the 47 percent that NHTSA cited.

Mr. **Hannigan**. Congressman, they included May.

The **Chairman**. I know.

Mr. **Hannigan**. I don't see how you can say you're talking about 2 months. They included 3 months of data.

The **Chairman**. Yes, but only 2 months when you were at 65 and they included all the other roads that stayed at 55. Maybe you can explain it to me, but I think that's worse.

Mr. **Hannigan**. I wish somebody would explain it to me because we took the months of June, July, and August, and our fatalities on the rural interstates only went up 3 percent. We show a 10-percent decline in our overall fatalities for the first 3 months of this year, and yet we had 55 last year.

The **Chairman**. How are you doing on your other roads? According to the figures on the other highways, the death rate was the same.

Mr. **Hannigan**. It's about the same. We ended the year with about a 5.4 percent increase in our fatalities and a 6-percent increase in our VMT.

The **Chairman**. These figures were early and not conclusive, as they said.

Mr. **Hannigan**. Yes. I think DOT said that they should not be used for any concrete information. It was not empirical data, and I can confirm that. It was not.

The **Chairman**. Well, as they say fatalities were supposedly going up 50 percent. That has been reduced now, while all other roads went down 10 percent.

Mr. **Hannigan**. Well, but they also had some increases off the rural interstate, too. They only used 22 States for that data.

The **Chairman**. I wonder why all of a sudden we get a fatality increase off the interstates.

Mr. **Hannigan**. Well, Mr. Congressman, the fatality rate, for example, California—I can't testify for the other States—but in California the mileage death rate, where we have a problem is not the freeway system, our mileage death rate for all our freeways stands at about 1.8 while the urban stands at about 0.86.

The **Chairman**. Yes.

Mr. **Hannigan**. We kill people on the surface streets, at intersections, right-angle collisions. Our mileage death rate is 3.5 off the freeway system, yet we're spending 85 percent of our time on the 55 system writing speeding tickets.

The **Chairman**. The main reason Mr. Smith gave for wanting an increase in the speed limit was the higher driving speeds.

Mr. **Hannigan**. We had reached a point where, instead of following the standard in the traffic engineering field where you set speeds at the 85 percentile and you enforce against the 15 percent that violate, we had reached the point where we had 15 percent complying and 85 percent violating.

The **Chairman**. Many drivers did not observe the 55 in California, is that true?

Mr. **Hannigan**. That's true. You know, what is compliance?

The CHAIRMAN. Did they observe the forties—the 40-mile speed limit—where you may have had it, or 25? Or is it the sort of situation where at all speeds there is a certain amount of noncompliance?

Mr. HANNIGAN. Normally, those are prima facie speed limits and they're set by the 85 percentile, and if you are going to—for example, in California you cannot deploy radar without a speed survey, and you normally would consider it in the 85 percentile. You balance that with the accident experience for a particular road and where speed is a contributor to overall accidents, and then you can use radar. So, it depends on where the accident problems are, Mr. Congressman.

The CHAIRMAN. If we set all our laws and rules by State or by Federal Government as to what 85 percent of the people might do, we might make it legal to cheat on income tax and a lot of other things, too.

Mr. HANNIGAN. But, Mr. Congressman, there are hardly any States that are not in the 40-percent category for violating the 55 mph speed limit.

The CHAIRMAN. That's true.

Mr. HANNIGAN. And it is beyond my comprehension how you could pass a law and say that we know that 50 percent of the people are going to violate it. In traffic safety that is ludicrous.

The CHAIRMAN. I don't say that. We didn't set that regulation or the criteria here in the Congress at all.

Mr. HANNIGAN. Well, Congress did.

The CHAIRMAN. Pardon?

Mr. HANNIGAN. Congress did that.

The CHAIRMAN. No, no.

Mr. HANNIGAN. Yes, sir. It did once before.

The CHAIRMAN. There is a difference between what Congress does and when the Department of Transportation regulations to comply with the law.

Mr. HANNIGAN. Well, the congressional law, the statute says it will be no more than 50 percent.

The CHAIRMAN. So, you don't feel that there is any more fatality problem with 65 than 55?

Mr. HANNIGAN. I am always put in——

The CHAIRMAN. Is driving speed a lesser factor? You did say an awful lot of the deaths were due to bad weather conditions and people maybe not going so fast. I don't know whether it was much worse in those months of 1987 than they were in 1986.

Mr. HANNIGAN. Mr. Congressman, on the national front, I believe the NHTSA figure runs about 25 percent of the fatals are caused by excessive speed—excessive speed. And most of that excessive speed is like being on a 55 roadway or a 65 roadway and you come into fog at 40 miles an hour and drive into the back of a truck. That is what's killing people.

The CHAIRMAN. That's right.

Mr. HANNIGAN. The maximum speed limit has really no impact on the deaths at all in this case.

The CHAIRMAN. I am comparing, as much we can, something limited during the same months on the same roads of 1 year with another.

Mr. HANNIGAN. Right.

The CHAIRMAN. Unless we know that we had a lot more fog and a lot more dangerous conditions in 1 year than another, then you can't just fluff it off by saying, "Well, that's because people were driving 40 miles an hour in a fog."

Mr. HANNIGAN. No, I don't fluff it off. I mean, Mr. Congressman, we write over a million pinches a year for 55 enforcement. If we tried to meet your State, you have about 933 miles of 55 roadway in New Jersey, and you write about 130,000 pinches.

The CHAIRMAN. Yes.

Mr. HANNIGAN. So, you're writing about 140 tags per mile of 55 roadway, which is outstanding. We only write 40. But if we tried to match your effort, we would be talking about writing somewhere around four million speed citations a year. For us to do that would mean we could do nothing, absolutely nothing else. I am not prepared to do that.

The CHAIRMAN. Didn't Mr. Packard say that you have the best trooper vehicles per mile than any State in the Union?

Mr. HANNIGAN. No, I think what he was referring to, on a standard basis, across the Nation there is about 190 miles of 55 roadway for every trooper. In California it runs at about 28 miles.

The CHAIRMAN. You've got a lot of enforcement out there.

Mr. HANNIGAN. We write a lot of tickets.

The CHAIRMAN. Thank you.

Mr. Pagano, New Jersey troopers, have they a position on radar detectors and fuzz busters? What is your view if they don't have a position?

Mr. PAGANO. Our position and view, our position sometime back with the Governor was to enact the recommended legislation banning radar detectors. That was not acceptable.

The view, very candidly, is that they are somewhat resented. The actual fact is that we invest $150 in each of our units and put an interceptor switch in the unit. The radar beam is not extended until the trooper feels he wants to look at a particular vehicle, and it results in a dead heat with the motorist always losing.

The CHAIRMAN. I see. Those things might impede your ability to enforce the speed limit?

Mr. PAGANO. I think what they do, Congressman, is give a false sense of security to the motorist who thinks that he can drive at a higher speed than posted, and it almost encourages the motorist to drive at a higher speed. They just don't work in New Jersey because of the innovations that we have undertaken.

The CHAIRMAN. New Jersey is still at 55?

Mr. PAGANO. Yes, sir.

The CHAIRMAN. Do you have any experience with increased speeds today on your rural interstates?

Mr. PAGANO. We have had increased speeds since we first began hearing of relaxing the 55 at the beginning of the Reagan administration. Our speeds have increased, but they have not increased to the extent that they have increased in other States where they have gone to 65.

The CHAIRMAN. Why hasn't the speed increased? We hear from a lot of States about increasing speed on the rural interstates even in States where they didn't go to 65.

Mr. PAGANO. I think it's infectious. I think the wrong message has been sent. I understand that when the Congress enacted the 55, that they never truly believed that everyone would drive 55, but they were sending a message to drive slower for energy purposes, and ultimately we saw a dramatic difference as far as highway safety is concerned.

But I think it's a benchmark. It's a speed where people look at their speedometer because all the manufacturers now mark 55, and say, "As soon as I go over it, I'm either violating the law or I'm endangering my own life."

I think we can trace this kind of activity and the speeds that we have monitored both before and after the 55 enactment.

The CHAIRMAN. I see. And because of that, do you have any increase in fatalities on the interstates because of the increased speeds, do you believe?

Mr. PAGANO. Yes, we do, sir.

The CHAIRMAN. How about the fatality rate overall?

Mr. PAGANO. The fatality rate overall is increased. But again, because we have stayed with the 55 in New Jersey, we have not seen the escalation to the extent that you have seen it elsewhere in the Nation.

The CHAIRMAN. I see. Thank you.

Mr. Denihan, your figures, do you think that they indicate that 65 may have been a causal factor in the rise in the fatalities in Ohio?

Mr. DENIHAN. Mr. Chairman, I believe that the figures speak for themselves. We did not have a dramatic increase prior to 65. They were stabilized. They were considered the safest roads in the State, our rural interstates. Now we see a 47-percent increase in our fatal crashes, which is resulting in a 29-percent increase in our fatalities.

I don't know of any other thing that has happened to cause that. We saw in the early 1970's, while it was an energy issue, the greatest single, most dramatic safety initiative this country has had. The reduction in the speed from 70 to 55, that reduced our fatalities on our rural interstates by 44 percent, literally overnight, within a few months. We are seeing the same trend reverse itself as a result of 65.

In talking to the troopers that investigate these cases and from looking at our preliminary figures, we see that the majority fatality relationship is directly related to higher speeds. If we look at the increase in fatalities and speed crashes at 55 and we see a 33-percent increase there but only a 7-percent increase in fatalities at 55.

The CHAIRMAN. Yes, I wanted to ask you about that. You say there was a 47-percent increase in fatal crashes in 65 zones and an increase in deaths there of 29.

Mr. DENIHAN. That's correct.

The CHAIRMAN. And you have almost the same, on the 55, where you have a 33 percent increase in crashes but only a 7-percent increase in deaths. Why that much lower death proportionate to the crashes, do you think?

Mr. DENIHAN. I think that those—and nobody has argued this point—the faster one drives and is involved in a traffic crash, the more severe the consequences of that crash. I think that is what we are seeing. The higher the speeds over 65, on 65-mile-per-hour roads are higher than 65 than the 55-mile-per-hour roads, and those persons, the motorists involved in those crashes are not surviving as much as those are in the 55-mile-per-hour roads.

The CHAIRMAN. I see.

We heard when we were debating this, we heard from Idaho, California, and some other States, perhaps, "Look, if you go to 65, nobody is going to drive any faster. All you're doing is legalizing what the people are doing anyway." Has that been your experience with it? Have you simply legalize what 85 percent or whatever the percent of the people were doing anyway, or do you find that speeds are increasing?

Mr. DENIHAN. I think that is what those proponents of 65 thought would happen. I think the perception played into it that, "Well, now we're going 65. I was going 62. That means I can go 72." And as Colonel Walsh pointed out, there was a honeymoon period in the first 3 or 4 months in getting comfortable with it. We had a whole driving generation that was not trained to drive 65—at least legally—that are getting used to driving 65 on the rural interstates.

I think that as it goes on, this is going to be even a more difficult and a more severe problem as we go on. We are just into the first stages of this problem, and I think that there is more down the line that we are going to see on this. I think drivers are just getting used to it and that they are going to take that perception even further that the tolerance exists.

The CHAIRMAN. The NHTSA figures show that New Mexico was the first State to go to 65. Within 3 months after that four times as many people were going over 70 as had been going over 70 when the limit was 55. Are you familiar with that, or does that surprise you?

Mr. DENIHAN. Mr. Congressman, I am familiar with some of those figures. I guess what doesn't surprise me is that their fatalities also soared up to either double or triple during that same period of time, in that before the 65-mile-per-hour speed limit—this is off the top of my head—I think only 25 percent of the drivers in New Mexico were exceeding the posted speed limit. After 65 went into force in New Mexico, I think 60 or 62 percent were exceeding 65 miles an hour. I think that tracked the doubling or the tripling of fatalities that they experienced in the first couple of months.

The CHAIRMAN. Just one more question. I thank you, Mr. Chairman.

In Ohio, can you attribute any other factor, risk factor, that could have caused the increase in the fatalities on your rural interstates other than increased speed? I understand that we are probably actually doing much better with the drunk driving reductions and seatbelts, which would actually reduce the figures.

Mr. DENIHAN. I can't think of anything else other than increased speed. The penalties are one of the toughest penalties in terms of points in the country. As Colonel Walsh has pointed out to you, we have taken a very strict, aggressive enforcement policy where very, very, very few citations were written under 5 miles an hour the previous year, a significant number of citations were written for 5 miles and under. We have made it very clear that we are removing the perception that there is a tolerance. So, the enforcement has been up, and the points are starting to work. I can't see it in any other relationship other than speed.

The **Chairman**. I thank you.

Colonel Pagano.

Mr. **Pagano**. May I just comment, Mr. Chairman, on that one particular subject, the issue of tolerance. It is really not a tolerance, it is a perception of tolerance. What it really is is volume and the capacity of the individual trooper to hold fast to more than two or three violators at any one time without creating more of a traffic hazard than he is trying to correct.

Consequently, in most instances, he is picking the higher speed and letting the others go by because he just can't handle them all the time.

The **Chairman**. I see.

Mr. **Pagano**. That does not mean—and the message comes out very clearly—that when the volume on the highway is such that they can intercept at lower speeds that they don't, because they certainly do, and suddenly you have a rash of complaints that, "I was only doing 58, 59, 60." But the violation was there and the violation was written.

The **Chairman**. All right.

One more thing that any of you can answer. We talk about the range of speed from the slower vehicles to the higher vehicles as a factor on the highway. It is understood that the larger the range of speed from the slower to the higher, the more passing you're going to have, the more lane-changing you're going to have, and, obviously the more dangerous situations you're going to have.

Now, with the increase in the speed limit, would you agree that those who were going at the slow speeds the bottom of that would not be increasing their speed, but the ones who were pushing the speed limit would increase theirs? You would probably have on the highway a larger range of traffic speeds and therefore more dangerous situation?

Mr. **Pagano**. I believe that to be a reasonable assumption.

The **Chairman**. Thank you very much.

Thank you, Mr. Chairman.

Mr. **Anderson**. Thank you, Mr. Howard.

I will ask a couple of questions, then I will give you a little chance over here, and then I will come back to mine.

What do you think of the views of the General Accounting Office that given shortcomings in the monitoring system, that States which have been sanctioned are not necessarily those most out of compliance? That was the GAO's feeling.

Mr. **Pagano**. Is that question to me, Mr. Anderson?

Mr. **Anderson**. Yes.

Mr. **Pagano**. I think that is generally true. I think that is a generally true finding.

Mr. **Anderson**. The States which have been sanctioned are not necessarily those most out of compliance?

Mr. **Pagano**. Surely, because now at the 65 range, there is no attention paid to those States at 65 and there is no idea as to whether they are within the compliance factors or not.

Mr. **Anderson**. Well, GAO also believes that there is little, if any, correlation between compliance in a State and highway safety in the States. Do each of you say that the current system isn't exactly valid?

Mr. PAGANO. I disagree. I can leave responses to the other members of the panel. But I believe that the compliance factors act as an incentive for the individual States to work harder try to make traffic safety a realty.

Mr. HANNIGAN. Let me address both your questions, Mr. Chairman.

Mr. ANDERSON. Sure.

Mr. HANNIGAN. On the latter, I have to agree with the Accounting Office. The efforts of a State necessarily does not impact the compliance. That is quite obvious in California. There we have spent $2.5 million in speed enforcement last year. We ran a project recently in the last 5 years where we saturated patrol with aircraft. When we got finished with that project, based on the millions of dollars we spent on it and the impacts we had on speed compliance, we took it and we spread it across the State. The dollar figure came out to a little over $61 million for us to reduce noncompliance with the 55-mile-per-hour speed limit by 1 mile per hour. That is not cost effective.

So, enforcement does not necessarily impact speed compliance. Rhode Island only has, I think, 98 miles of 55 roadway; they have been in and out of sanction. They write something like seven times what we write, and yet they have been in and out of the sanction mode.

I think that on your other point, when you said do the States that are getting sanctioned necessarily have the worst compliance, I think when they submitted their report and told you that out of five States or six States they found five with serious problems, I think that answers the question itself.

There are all sorts of games being played with the monitoring system; where the speeds are taken, how they're taken; and when you look at the fact that most States are in the 40 percentile category for noncompliance, and that factor I talked about of how speeds are monitored, the 1-mile-per-hour difference, whether 56.0 mph is a violation of 55.01, in 1985, I believe, if that one-mile-per-hour came into play, it would mean a 5- to 6-percent difference in the compliance rates of those States and half the Nation would have been in noncompliance.

Mr. WALSH. Mr. Anderson, could I respond to that?

Mr. ANDERSON. Sure, Colonel.

Mr. WALSH. The three law enforcement people sitting here spend a lot of time together on committees talking about the highway safety issues of our States and of our country. I think we all agree that there needs to be some modification of the compliance criteria and the formula. I think there has been a lot of testimony given to this committee concerning that, with the bottom line that it should be directed toward saving of people's lives on the highway safety issue and not just perhaps compliance with a speed limit.

My only comments to the two questions that you asked are that we direct our resources, which are somewhat limited, toward saving people's lives and not toward achieving compliance.

We have been fortunate, I guess you could say, that we have been able to accomplish both, because we think that speed is a serious element in traffic crashes and causing deaths in our State and that we address the speed problem with doing other things, too. And we feel and we know quite well that a traffic officer can go on the road and enforce speed law and drunk driving law and hit-skip law and all other traffic citations all at the same time. He can focus on more than one issue. But as we try to—and historically we have tried—to correct driving behavior as it relates to speeding with an end result, we feel, in reduction in traffic deaths in our State.

But I think we all agree that there needs to be some kind of modification on the compliance criteria.

Mr. **Anderson**. Does increasing the limit to 65 make compliance on 55 routes more difficult? In other words, do people fail to make the transition from 65 to 55?

Mr. **Walsh**. Yes, sir. Very clearly.

Mr. **Pagano**. Yes, sir.

Mr. **Hannigan**. Let me answer that question, Mr. Chairman.

Mr. **Anderson**. Sure.

Mr. **Hannigan**. Because I have some data that doesn't support that premise. We changed the speed limit in June 1987, and let me just go through this. Our 85 percentile throughout the State, 85 percent of the people the speed they were driving at or below, in 1986 it was 65.4 miles per hour, in 1987 with the change in the speed limit it went up to 65.5. So, it went out one-tenth of 1 mile per hour. Even with 6 months at the 65. Yet, in the first quarter of this year, or the first quarter of the Federal fiscal year under which we monitor, it has dropped to 64.4. So, it has gone down, it has not gone up.

If you look at the urban setting—where the argument was if they're doing 65 on a rural interstate, when they get into an urban setting they will continue to drive—it has not been borne out. In 1986 the average speed on the urban freeways in our State was 55.8. We changed the speed limit to 65 in 1987 on only 1,200 miles of our 25,000 miles of 55 roadway, and the average speed dropped to 55 miles per hour in the urban setting. In the first quarter of the Federal fiscal year for monitoring, it currently stands at 54.5.

So, when people tell you that it will automatically have a carryover—now, it may in their particular States, and I am not arguing that—in California we haven't had that experience. Texas is the only State I know of that has more 55-mile roadways than we do.

Mr. **Walsh**. Mr. Chairman, may I speak to that issue?

Mr. **Anderson**. Colonel Walsh?

Mr. **Walsh**. I think the answer to that is: Drive on the interstates and see for yourself. Many of the complaints that we had early on is when you make the transition between a 65 zone to a 55 zone that the public is not adequately notified of that, and our department of transportation has had to expend more resources and put up more signs in order to accommodate those kinds of things.

I could not address the California issue. Maybe they have more congestion in their State that influences this. But we have some pretty free-flowing highways in Ohio on our rural interstate systems, and when we drop into a 55 zone in one of those 50,000 population zones that is around a metropolitan area, there may still be cornfields on each side of the road, but we are in that zone, and traffic is not slowing back to 55 when they are dropping into those particular areas, and it is causing a serious enforcement problem for us in Ohio.

Mr. **Anderson**. In a weighted point system, would you think that there should be more negative points assessed against a State for someone going 75 on a 65 posted route or someone going 65 on a 55 posted route? Which is a more serious violation from a safety standpoint?

Mr. **Pagano**. The higher speed.

Mr. **Hannigan**. If I can express my opinion, Mr. Chairman.

Mr. **Anderson**. Go ahead.

Mr. **Hannigan**. There shouldn't be a monitoring system to begin with. However, I have to say from my experience—and since the largest portion of our highways are 55 roadways—that I would vote for the lower speed. We do not have a demonstrable problem, apparently, on our rural interstates with speed.

Mr. **Anderson**. Does the current system, where we have no compliance standards on 65 posted routes, provide an economic incentive to States to enforce the limit on 55 routes but not on 65 routes?

Mr. **Hannigan**. Well, we have both, as you know. We have a small percentage of 65 roadways. But we haven't reduced our speed enforcement on 65. Again, when I look at the 85 percentile speed zone, the rural interstate—which I didn't address earlier—they went up 1.5 mile per hour when we changed. They went from 67.9 in 1986 to 69.4 in 1987, with six months at 65.

But again, during the first quarter of the Federal fiscal year, the 85 percentile stands at 64.6. So, we were enforcing the 65, but the heaviest concentration is with 55.

I have to say this, Mr. Chairman, I am not opposed to speed enforcement. Obviously, with what we do, one-third of our resources are devoted to that. What I am saying is that we have reached the point where we are facing a $56 million sanction in California which will deny many highway safety improvements which, I know sitting here, is going to kill people, which makes no sense to me, for us not writing enough speed tickets at 57 or 58 miles an hour when that's not killing people in California, and I shouldn't be forced to devote my resources to that problem when it is not a problem. That is my argument, not that speed doesn't kill.

Mr. **Anderson**. I guess this question will be to all of you. Do you ticket at speeds two or three miles above the limit?

Mr. **Walsh**. Mr. Chairman, I would like to say that we do in Ohio because we feel that we are being forced to do that. When the 55-mile-per-hour speed limit became law in this country in 1974, our State saw life-saving values in that when it was perceived by most to be an energy conservation measure. We had a very strict enforcement policy on 55, and consequently we had good compliance and we had a dramatic decrease in the traffic deaths in our State that over the 12-year period that we averaged 400 less people killed in Ohio during the time period that 55 was the law there.

Consequently, now that it has gone to 65 and this perception of tolerance that we're talking about how are we going to overcome that, we feel it's absolutely necessary that we have more rigid enforcement, and that is the reason we put the program into effect as

I have already addressed. It was a good public information program followed up by strict enforcement, to try to get the people to comply with the new law at 65 and not let it escalate to being a 72 or a 75 2 years from now.

Mr. **Anderson**. So, in other words, in your State there is not a tolerance?

Mr. **Walsh**. I am not saying that. I am saying that speed enforcement starts at 66 miles an hour, and Colonel Pagano addressed pretty quickly very well the volume of work that an officer can handle. But we have issued many, many thousands of warnings and thousands of arrests between 65 and 70 in our 65-mile-per-hour zones to get the people's attention to the fact that the speed limit is 65 and it's not 72.

Mr. **Anderson**. I guess the reason for the question is because, of course, many of us have the feeling there is a tolerance in many States, and if there is, then should points be assessed against a State for cars going only 2 or 3 miles above the limit, which they would be if they were doing that kind of sanction.

Mr. **Walsh**. Well, if there were sanctions for 65, they would be because there are points assessed against us in 55 zones. And I think we all agree that there ought to be less points assessed for 2 miles an hour over the speed limit than for 20 miles an hour over the speed limit. That is our feeling.

Mr. **Anderson**. Now, do you play the kinds of games that the General Accounting Office discussed, stationing patrol cars at monitoring sites to bring down speeds or placing monitors between two traffic lights?

Mr. **Walsh**. May I address that, sir?

Mr. **Anderson**. Yes.

Mr. **Walsh**. In Ohio we have automatic loops that are selected randomly to determine what average speeds are. We in law enforcement do not know what day that random sampling is going to take place. We do not know what loop it is. I will be very honest with you, we know where the loops are, we know the highway because we have to react to the data after we get it. If we have an increase in speed in a particular area, then we have to direct more resources to that area to try to bring that speed down to keep from being sanctioned in the future. At least that's what our strategies are.

Mr. **Hannigan**. Mr. Chairman, I can assure you that we are not doing that in California. We have a policy that prohibits it.

But I wanted to touch upon your previous question on tolerance.

Mr. **Anderson**. Go ahead.

Mr. **Hannigan**. We give our officers some discretion, and we have a policy that states they shall take certain actions at certain speeds. But we have courts in California that will just absolutely dismiss citations below 60 or 65 miles an hour. If you consider the sheer volume, if we tried to match the ratio of citations to 55 roadway that Clint's people do, for example, or Rhode Island does, we would absolutely shut down our court system in California. You are talking about moving from 1 million citations a year to 7 million citations or 4 million. It would not work. It just won't work.

So, we have to set our priorities. What's more important? If you have enough people out there driving at 65 in a 55 to occupy an officer's time, then you don't worry with the lower speeds, you don't concern yourself. We give about a million or a million and a half verbal warnings for various violations, the majority of which are for speed, too, in addition to the written citations.

So, the tolerance level is just a realistic operational necessity just to deal with the volume, as Clint pointed out.

Mr. PAGANO. My response, Mr. Anderson, is that we do not. We do not play the games in New Jersey that we have heard are played in other areas.

Mr. ANDERSON. Very good.

I have some more questions, but I think I will let the fellows over here get in.

Mr. McEwen.

Mr. MCEWEN. I thank you, Mr. Chairman.

Let me say that I especially welcome the testimony of Mr. Denihan, the director of the Department of Highway Safety for the State of Ohio, as well as Colonel Walsh.

We well understand that the flying wheel of the Ohio State Patrol is the standard of excellence to which other States aspire on highway safety. It is only appropriate that one should recognize that the chairman of the full committee is from New Jersey and the chairman of the subcommittee is from California, and we certainly appreciate the testimony of those States. But it is also highly appropriate that in order to receive the kind of information that the Nation desires, that our Nation's premier highway safety patrol organization would be represented from the State of Ohio. So, I thank the gentlemen for coming.

Let me begin with a couple of observations. One would be that in the course of enforcing these various laws, many of us feel that perhaps safety is not the only one or that speed should not be the only one that is enforced. I make reference, Mr. Walsh, to the law in Ohio that prohibits people driving on an interstate from being in the left lane when they are not passing someone. To my observation, no one has ever enforced that law, and I have asked repeatedly of members of the highway patrol, and they have never arrested or warned anyone for holding up traffic flow on an interstate in the left lane.

Could you help me out as to why this is overlooked?

Mr. WALSH. Well, some areas are posted, Mr. Chairman and Congressman McEwen, with a minimum speed. And certainly, when that person on an interstate is below that minimum speed, then the enforcement would be for the minimum speed. I think what you are talking about is an attitude.

Mr. MCEWEN. Let me just say that Ohio both prohibits a person from driving on an interstate in the left lane and not passing a vehicle in the right lane. Perhaps you weren't aware of that?

Mr. WALSH. No, I am not aware of it, and I will very quickly check the law book. But there is an inference in the law that says that you will yield to the right upon the sounding of someone's horn that they want to pass you on the left. There is an inference there that you can't drive in the left lane.

I think the problem that you address is a very real problem, but people develop driving habits in cities that have more than two lanes and they pick a lane and they kind of stay in that lane, and then they get out on the open highway, the rural highway between Cincinnati and Columbus, and they park out in the left lane at 55 or 65, whatever the speed may be, or they drop back two or three so they don't have anything to worry about, and they don't give any consideration for the motorists around him. That is a congestion factor that we try to deal with, Congressman.

Mr. **McEwen**. Well, can you give me a response to that in writing? I can assure you, as I was the ranking member, as you may recall, on the highway safety committee in the State Legislature, it is a part of the Ohio Revised Code. It is a violation of the traffic code in the State of Ohio to be in that lane for the purpose of using it as a free lane. To my knowledge, it is not enforced. If you could respond to that, please do so.

Mr. **Walsh**. I sent your office a letter yesterday on another matter, and I will send you one this week on this issue, Congressman.

Mr. **McEwen**. Let me repeat my admiration and respect not only for you but for the patrol.

I might also point out as an aside that I have observed the enforcement of speed limits in Ohio and those in southern Ohio are very conscientious of that, and any further studies are unnecessary, and you can direct your attentions to the northern part of the State, which I have heard have violated the law repeatedly. Perhaps you may wish to transfer some of your patrolmen to that other part of the State.

Mr. Pagano, you mentioned something about an increase during the Reagan administration in violations of the speed limit. Could you repeat that for me?

Mr. **Pagano**. Very early on in the Reagan administration there was word that the 55 would be revoked, and at that point in time I was part of the group that gets together regularly, the superintendents—still am—the State and provincial group. We communicated to then-assistant Meese our objection to any change in the 55.

But the message was out. The change did not occur until much later. But the speeds, in our view, or the attitudes in our view, began affecting the speeds.

Mr. **McEwen**. In our view?

Mr. **Pagano**. In my view, then, let's put it that way.

Mr. **McEwen**. All right. Thank you. I have often observed the President being accused of lots of things, but this is a new one, and I appreciate adding it to the long list of culpabilities that he has foisted upon our country.

Mr. Hannigan, or any of you, I suppose, as a State legislator talking to classrooms, we would often use the example of speed limits and how at that time the speed limit, the top speed limit in Indiana, was 65, in Ohio it was 70, and when as a State legislator you made laws that they stopped at the State boundary.

I am really almost at a loss to come up with any real definitive explanation as to what the State legislatures do anymore.

Can someone share with me why it is that we should not entrust these types of decisions to those in the statehouse in Cheyenne, WY, for example, and why we here have superior wisdom over their capacity to make those judgments for their States?

Mr. HANNIGAN. I addressed that in my testimony, Congressman, and I firmly believe that that is exactly what should occur. I am responsible to the legislature of our State and I am responsible to the Governor and to the people of California. I have all due respect for this subcommittee, but I am not really answerable to you, I have to answer to the people in California. I feel somewhat awkward being forced into writing citations for 57 or 58 or 59 or maybe even 60 miles an hour if they're not killing people. I understand that an officer goes out and does 8 hours' work for 8 hours' pay and then write speed tickets and arrest drunks and so forth.

But when you're facing a $56 million sanction, it forces you, you know, just through your own legislature and through your department of transportation to redirect some of your resources to try to impact the speed monitoring process from the standpoint of bringing speeds down on a given roadway. You are forced into doing that, and when you do that, saturating a given roadway to bring speeds down 1 or 2 miles an hour, you have to do it at the cost of something else. Whether it's commercial enforcement or hazardous material enforcement or drunk driving arrests, it impacts you somewhere. You just can't go get more people and write more tickets.

Mr. MCEWEN. Does anyone else wish to respond to that?

Mr. PAGANO. I would like to respond to that, Mr. McEwen.

Mr. MCEWEN. Let me put it in this context. The 55-mile-per-hour speed limit has certain aspects of it that are very good in certain areas. I just want to know why it is that those merits cannot be sold to State legislators and have to only be sold here and have to be mandated to the States. Why do we not trust the Statehouses to do it themselves, recognizing that New Jersey is an entirely different State from Montana?

But go ahead.

Mr. PAGANO. I think when you speak—and I am not a constitutional lawyer, but we are all part of a great Nation, a great mix that is linked together today by an interstate highway system that was built largely with funds that came from the States and were spent by the Federal Government, and the attitudes, the habits, especially the driving habits of the American public, are more than State habits, they are interstate, they are constantly on the move.

There is a responsibility on the part of the Federal Government to give direction to the American citizens as to what they ought to be doing as they go from spot to spot.

Although I believe that there is a great deal of work done by State legislators, by State legislatures, there is still an overview that has got to be exercised at the Federal level, and I think that the maximum national speed limit was one of the best decisions they ever made.

Mr. DENIHAN. Mr. Chairman, Congressman McEwen, I think that when the Federal Government removed the 70-mile-per-hour speed limit to 55-an-hour speed, that would not happen State by State. When the Federal Government opened it up for States individually to increase the speed from 55 to 65, we saw that almost collectively happen to 40 different States.

I think the Federal Government can take the lead role in providing a level of safety on those States by saying if a State incurs an increase in fatalities that is above the overall State fatality rate, that they should reduce the speed back to the original speed.

I don't think the States individually would do that, and it would lack continuity across the country. So, I would see there would be a point that Congress could act on such a measure.

Mr. **McEwen**. Well, thank you.

I would just conclude by making again the observation of the diversity of our country. When I drive out my driveway in Hillsboro and poke the odometer and drive to the Capitol, it's 460 miles from my driveway to the steps of the Capitol here in Washington.

The other day I spoke to a contracting group in Jackson, WY, and a couple came up and said that I had spoken to their national convention and they had come to attend because they wanted to visit. I asked them where they lived. They said Cheyenne. I said how far is that. They said 520 miles.

Now, that's in the same administration where they're driving to a convention, and they're driving further than from here to Cincinnati.

The regulations that we make on the eastern seaboard between Boston and Newark just simply are not universally applicable to rural western United States. And I repeat, if there is merit to this cause, then that merit ought to be able to be sold to others than just Congressmen and other people ought to be able to divine it other than Members of Congress. Therefore, it ought to be able to be sold where other people speak at other places.

But I thank you for that, and I would conclude by saying that we cannot approach this subject and we cannot discuss it without expressing our gratitude and admiration for the very deep commitment that the chairman of this committee has to this cause, and I respect him for it and appreciate it and am grateful for his service.

I overlooked the gentleman from New Jersey, Mr. Gallo, who has been here all morning but had to leave, and I pledged that I would express his apologies for having to leave.

Mr. **Anderson**. All right.

Thank you very much for an excellent presentation, gentlemen.

Mr. **Hannigan**. Thank you, Mr. Chairman.

Mr. **Pagano**. Thank you, Mr. Chairman.

Mr. **Denihan**. Thank you, Mr. Chairman.

Mr. **Walsh**. Thank you, Mr. Chairman.

[The prepared statements of Mr. Denihan and Mr. Hannigan follow:]

TESTIMONY BEFORE
HOUSE PUBLIC WORKS AND TRANSPORTATION SUBCOMMITTEE ON SURFACE TRANSPORTATION
UNITED STATES HOUSE OF REPRESENTATIVES
WEDNESDAY, MARCH 23, 1988

William M. Denihan, Director, Ohio Department of Highway Safety
Colonel Jack Walsh, Superintendent, Ohio State Highway Patrol

Good morning, Mr. Chairman. My name is William Denihan, and I am the director of the Ohio Department of Highway Safety. I am accompanied this morning by Colonel Jack Walsh, superintendent of the Ohio Highway Patrol.

It's an honor to be here today, but the occasion does not please me at all. That's because we both bring you the unpopular view that the higher speed limits on the rural interstate system do indeed dramatically increase traffic deaths and that the 55 mph speed limit should have been preserved.

The sad truth is: "speed kills" is more than just a slogan; it is a fact of life.

Unlike most states, when the speed limit increase was first introduced in the legislature, Ohio's elected officials faced opposition by the administrative branch of government. Our opposition was based on a documented annual average reduction in fatalities since 1974 when the 55 MPH National Maximum Speed Limit was enacted.

Contending that this reduction in fatalities would be jeopardized in the face of a higher speed limit, the Ohio Department of Highway Safety lobbied over the course of several months to prevent the increase from becoming a reality; however, constituent emotion tended to lean the other way, and the law became effective July 15, 1987.

One concession we asked for and received was a stiffer penalty system for repeat and high-speed violators. Under the progressive point system which was established, a second violation of either the 65 or 55 mph speed limit within a year gives a violator one point for every five mph over the limit, after the first five mph.

The State Highway Patrol has borne the burden of coping with this law in that it fell to them to adopt and implement a vigorous enforcement policy which would send a stern message to motorists.

The main thing we had to overcome was the perception of many motorists that, no matter what the speed limit is, police won't enforce it until the violation is at least 5-10 mph over that limit.

That perception has the effect of making the actual speed limit the sum of the legal limit and the margin of perceived tolerance. So the Ohio Highway Patrol adopted an enforcement policy which gave troopers the latitude of arresting persons exceeding the speed limit by as little as one mile per hour.

The result was a 3,000 percent increase in the number of tickets issued at those low levels compared to all of 1986. Specifically, 4,296 drivers were cited for violations of 5 mph or less over the speed limit between July 15 and the end of 1987, and 34,878 drivers were warned. The previous year, only 131 drivers were cited for these same violations.

We saw enforcement of the spirit and letter of the law as essential to prevent average speeds from inching up to 70 mph and beyond, as was the case in states like New Mexico.

There is only one reason for Ohio's strict enforcement practices -- to prevent the increasing severity of accidents which tend to result when average speeds are greater.

In the same way that alcohol in the bloodstream destroys the faculties needed to be a responsible driver, so do higher speeds make it less likely that a driver can react appropriately to a variety of unforeseen circumstances.

This has proven to be the case, as a fatal accident comparison for the period July 15 through February 29 for 1986-87 and 1987-88 shows:

	1986-87	1987-88	% Increase
Rural fatal CRASHES			
In 65 zones only	19	28	47 %
In 55 zones only	12	16	33 %
All rural fatal crashes	587	678	16 %
Rural DEATHS			
In 65 zones only	24	31	29 %
In 55 zones only	15	16	7 %
All rural deaths	658	762	16 %

From this comparison, several things can be gleaned:

First, though fatal activity on all rural highways in Ohio (interstate and non-interstate) is up 16 percent, the increase shot way out of proportion in the 65 mph speed zones, with fatal crashes up 47 percent.

Secondly, we see that the increases experienced in the rural interstate zones which remained at 55 mph are far lower than those for the 65 zones. The higher the speed traveled, the more likely fatal accidents are to occur.

Speeding has been regarded for many years as a law enforcement problem. But I think it's easy to see that the strongest law enforcement agency in this country where speed is concerned -- the Ohio Highway Patrol, where fully half of its roughly million tickets issued annually go to speed violators -- can't make this problem go away, especially at speeds in excess of 55 mph.

The control of vehicle speed affects all other elements of a state's accident reduction program. A considerable portion of our traffic safety resources in Ohio are dedicated to maintaining an orderly and safe flow of traffic at speeds which do not jeopardize the safety of others.

Any increase in the legal limit adds a burden to law enforcement and increases the price the public must pay for a safe driving environment. This is why Ohio declined to be one of the states which entered into the demonstration project that added more miles of rural highways to the 65 mph system.

Without a consistent approach to the problem, we can only expect it to continue. In order to arrive at that consistent approach, several things need to be done. The first pertains to the first-year report which the National Highway Traffic Safety Administration will issue later this year.

In that report, the true impact of this law cannot be determined without the inclusion of certain elements. These are:

- An evaluation of 65's impact on the connecting secondary roadways, as well as the urban interstate system.
- An evaluation of 65's impact on interstate off-ramps.
- A comparison of experience between states which have a dual speed limit such as Ohio does (where the limit for commercial vehicles is lower), and states that are either purely 55 or purely 65.
- A breakdown for each state studied of the fatal accident experience on interstates which remained at 55 mph when other portions were increased to 65.
- Without an understanding of the safety environment in which these statistics were collected, the above information cannot be adequately analyzed. That's why the final component should be a survey for each state studied of the commitment to speed enforcement in tickets issued, as measured against the number of licensed drivers in the state, and the judicial and administrative penalties each law permits.

From a national standpoint, our current system is wreaking havoc on the traffic safety picture. The interstate highways are a national system and should be governed accordingly. Right now we're faced with a hodgepodge of speed limits, and no standards for compliance with the higher limits which have been enacted.

The economic sanctions which now apply only to the interstates with the 55 MPH National Maximum Speed Limit are probably not the most effective way to deal with this problem. As they stand, they are viewed only a "paper tiger" by states, many of whom have never experienced the effect of those sanctions although they certainly were in a position to be penalized.

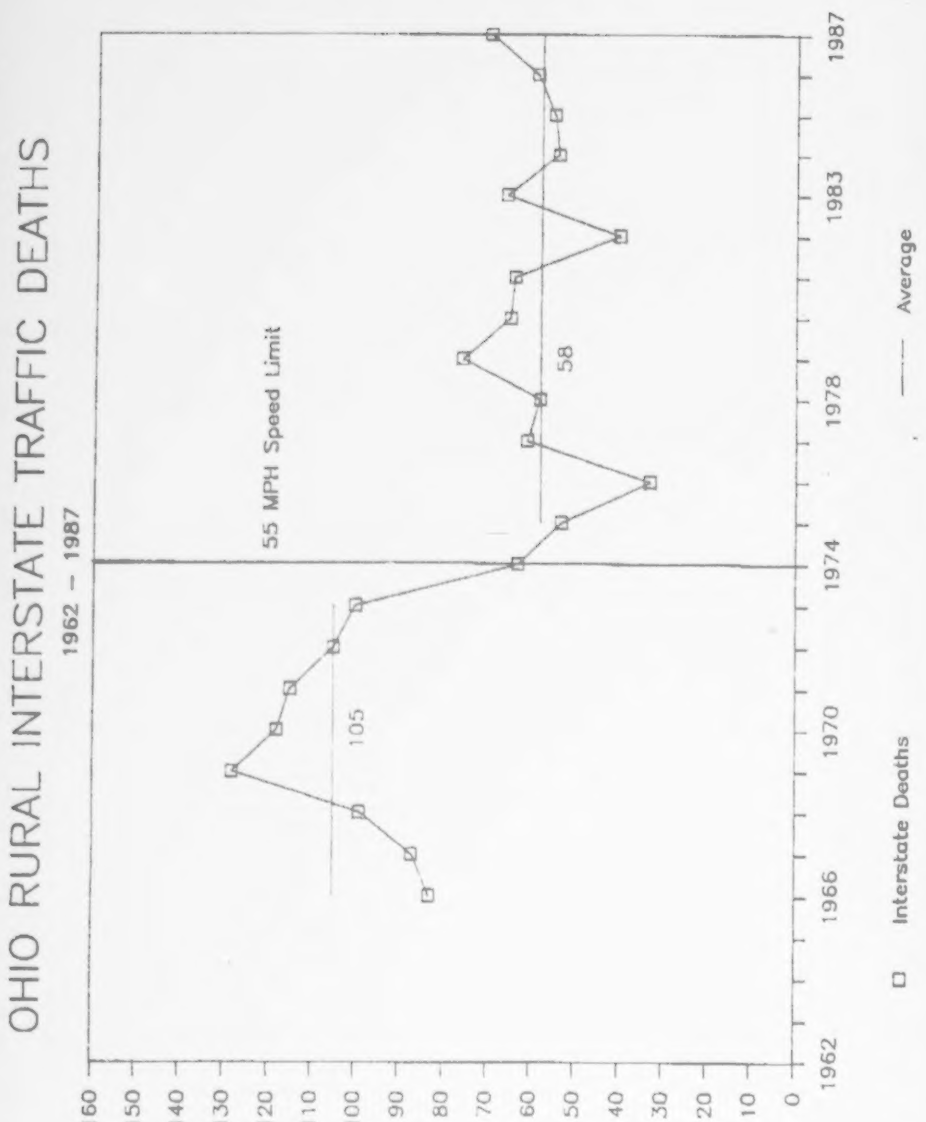
I call upon you to enact a better approach. Simply establish a formula to determine a tolerable level of increase in fatalities for each state. If those thresholds are exceeded, the 55 mph speed limit would have to be restored for a fixed period of time, presumably on a twelve-month basis, the anniversary being the date on which a state adopted the higher speed.

That, it seems to us, would represent a sanction that can be readily measured and which is associated with the bottom line -- saving human lives.

RURAL FATAL ACCIDENT COMPARISON JULY 15 - FEBRUARY 29

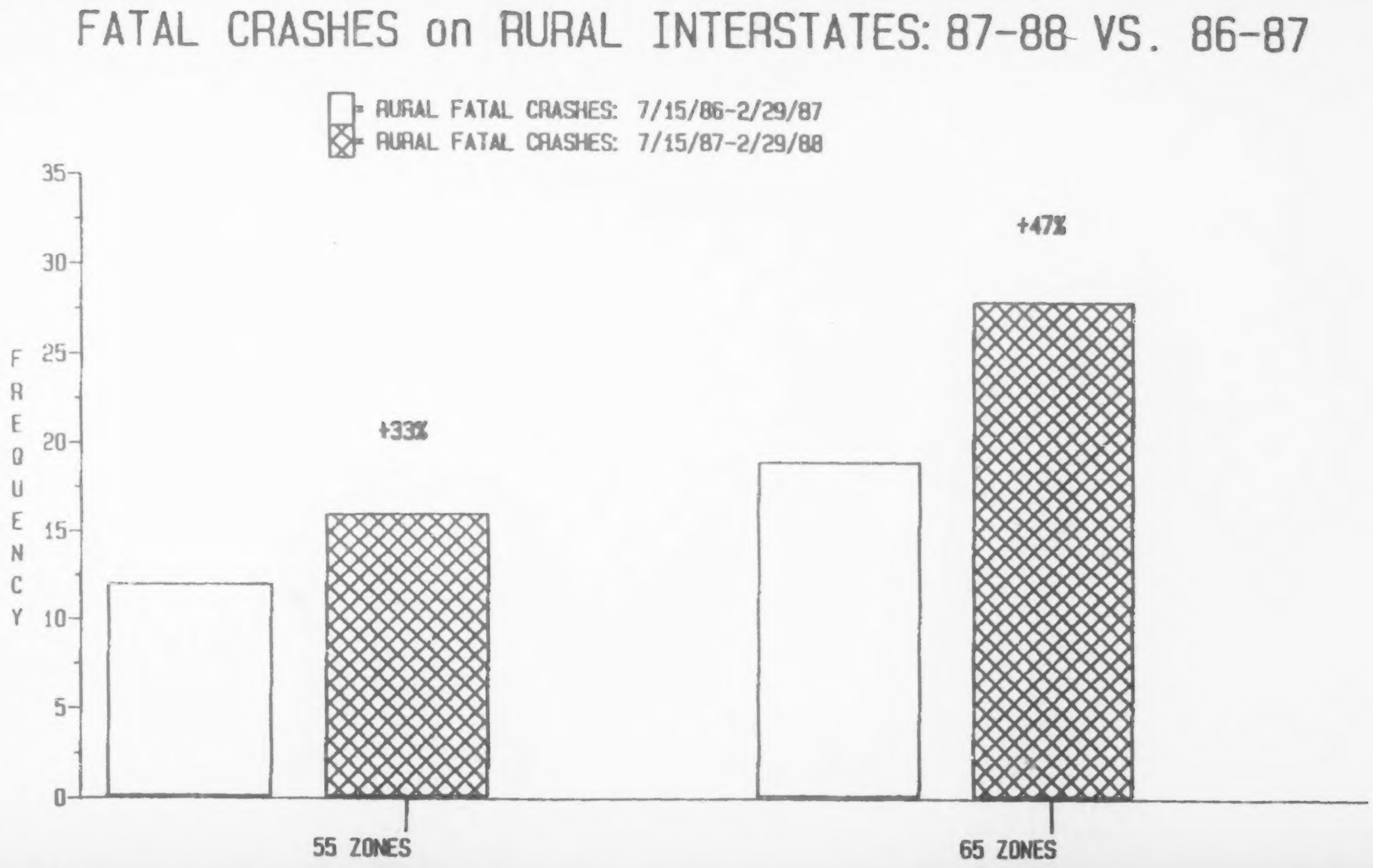
	1986-7	1987-88	% Increase
Rural fatal CRASHES			
In 65 zones only	19	28	+47 %
In 55 zones only	12	16	+33 %
All rural fatal crashes	587	678	+16 %
Rural DEATHS			
In 65 zones only	24	31	+29 %
In 55 zones only	15	16	+ 7 %
All Rural deaths	658	762	+16 %

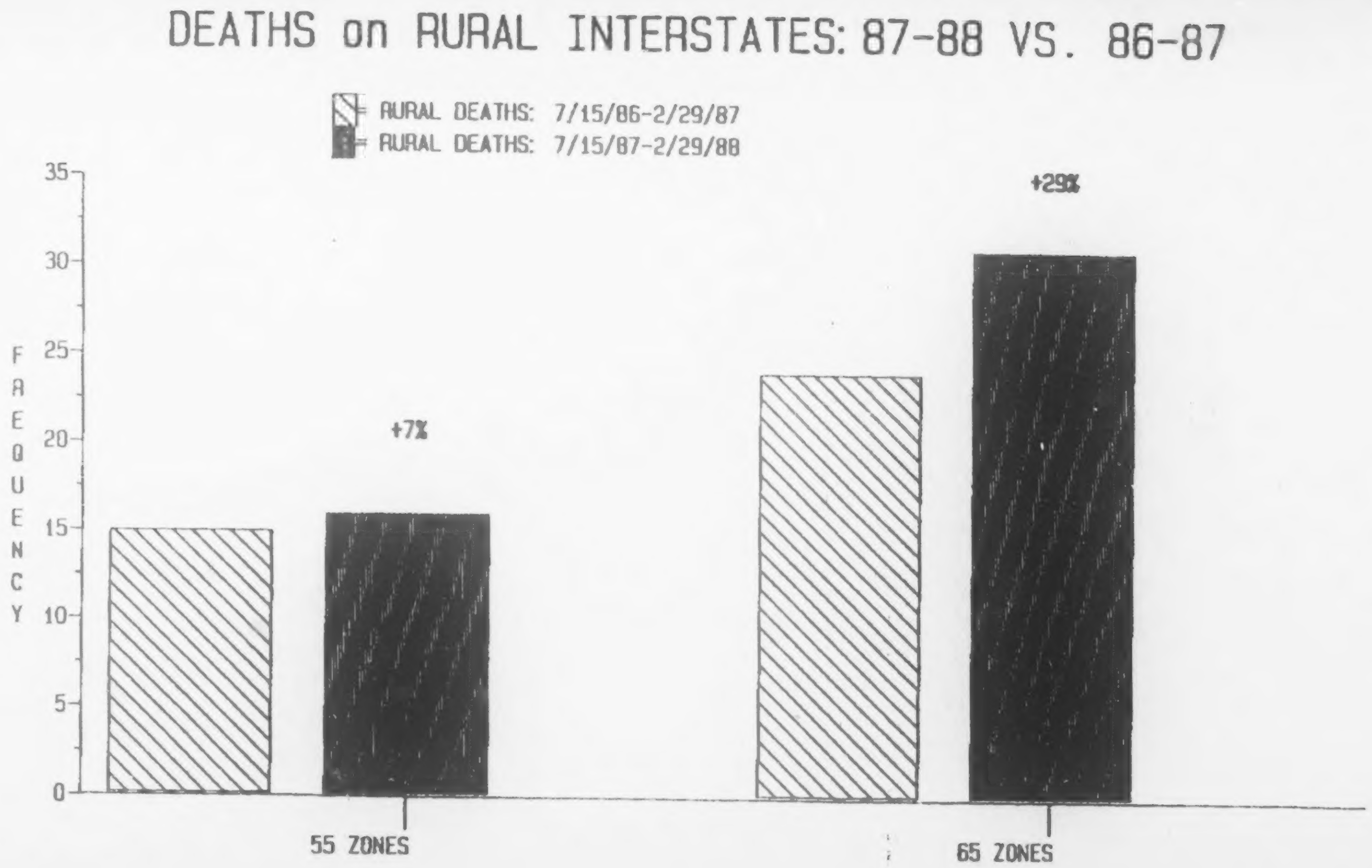
SOURCE: Ohio State Highway Patrol



OHIO RURAL INTERSTATE TRAFFIC DEATHS

1962 – 1987


FATAL CRASHES on RURAL INTERSTATES: 87-88 VS. 86-87
□ = RURAL FATAL CRASHES: 7/15/86-2/29/87
▨ = RURAL FATAL CRASHES: 7/15/87-2/29/88
FREQUENCY
35
30
25
20
15
10
5
0
+33%
+47%
55 ZONES
65 ZONES



DEATHS on RURAL INTERSTATES: 87-88 VS. 86-87

SPEED SUMMARY REPORT

Send to Office of Highway Planning HHP-44
QUARTERLY REPORT - CALENDAR QUARTER ENDING December 31, 1987

STATE Ohio 3 9 1 8 8 (3 4 5 6 7) (State Code, Quarter, Year)

SYSTEM	CARD NO.	VMT WEIGHTING FACTOR	(55 MPH) MILES	NO. OF SESSIONS	NO. OF VEHICLES OBSERVED	PERCENT EXCEEDING 55 MPH	SPEED			PERCENT EXCEEDING	
							AVERAGE	MEDIAN	85TH PER-CENTILE	60 MPH	65 MPH
URBAN INTERSTATE	(1-2) 10	(8-11) 3 7 0	(12-17) 6 63 0	(18-20) (4) 7	(21-26) (118526) 2 2 8 2 8 1	(27-30) 7 6 9	(31-34) 5 9 1	(35-38) 5 9 2	(39-42) 6 5 6	(43-46) 3 7 4	(47-50) 1 2 8
URBAN OTHER FREEWAY & EXPRESSWAYS	(1-2) 20	(8-11) 0 7 6	(12-17) 29 9 0	(18-20) (2) 2	(21-26) (31583) 3 1 5 8 3	(27-30) 6 5 1	(31-34) 5 8 0	(35-38) 5 7 9	(39-42) 6 3 6	(43-46) 2 4 6	(47-50) 6 4
URBAN OTHER PRINCIPAL ARTERIALS AND MINOR ARTERIALS	(1-2) 30	(8-11) 0 2 7	(12-17) 2 8 1 0	(18-20) (2) 2	(21-26) (19361) 1 9 3 6 1	(27-30) 6 9 0	(31-34) 5 8 0	(35-38) 5 8 3	(39-42) 6 4 0	(43-46) 2 8 2	(47-50) 6 5
RURAL INTERSTATE	(1-2) 40	(8-11) 0 1 4	(12-17) 5 6 0	(18-20) (2) 2	(21-26) (46417) 4 6 4 1 7	(27-30) 8 5 3	(31-34) 6 0 8	(35-38) 6 0 6	(39-42) 6 5 9	(43-46) 4 6 6	(47-50) 1 4 1
RURAL OTHER PRINCIPAL ARTERIALS AND MINOR ARTERIALS	(1-2) 50	(8-11) 2 7 3	(12-17) 4 6 9 1 0	(18-20) (4) 6	(21-26) (11597) 1 7 4 8 6	(27-30) 5 3 5	(31-34) 5 6 8	(35-38) 5 7 1	(39-42) 6 2 3	(43-46) 1 8 9	(47-50) 4 2
RURAL MAJOR COLLECTORS	(1-2) 60	(8-11) 2 4 0	(12-17) 1 0 8 0 8 0	(18-20) (3) 4	(21-26) (1837) 3 7 0 1	(27-30) 3 2 6	(31-34) 5 5 9	(35-38) 5 6 5	(39-42) 6 2 3	(43-46) 1 8 4	(47-50) 5 2
STATEWIDE TOTALS	(1-2) 70	(8-11) 1 0 0 0	(12-17) 1 6 7 9 8 0	(18-20) (17) 2 3	(21-26) (229321) 3 46 8 2 9	(27-30) 5 8 9	(31-34) 5 7 6	(35-38) 5 7 9	(39-42) 6 3 7	(43-46) 2 6 7	(47-50) 8 0

PERCENT OF TOTAL STATEWIDE VMT ON FACILITIES WITH 55 MPH SPEED LIMITS 5 8 0 1 (51 52 53 54)

Statewide percent exceeding 55 mph using the "Simplified Adjustment Method"
Half of sum of statewide totals of percent exceeding 55 mph & 60 mph, i.e. ((%over 55 mph + % over 60 mph)/2)=42.8

THE POINT SYSTEM FOR VEHICLES WEIGHING MORE THAN 8,000 POUNDS, NON-COMMERCIAL BUSES, AND ALL VEHICLES DRIVING ON ANY HIGHWAY WHERE THE SPEED LIMIT IS 55

	NUMBER OF OFFENSES	
SPEED IN EXCESS OF	SECOND OFFENSE	THIRD OFFENSE
55 MPH	0 Points	0 Points
60 MPH	0 Points	0 Points
65 MPH	1 Points	2 Points
70 MPH	2 Points	4 Points
75 MPH	3 Points	6 Points
80 MPH	4 Points	8 Points
85 MPH	5 Points	10 Points
90 MPH	6 Points	12 Points
95 MPH	7 Points	14 Points
100 MPH	8 Points	16 Points

THE POINT SYSTEM FOR THE 65 MPH SPEED LIMIT

All motorists will receive two points if they exceed 75 MPH on their first offense.

If a driver violates the law again within a year after the first offense, the graduated point system will be enforced.

POINT SYSTEM FOR CARS AND OTHER VEHICLES WEIGHING UNDER 8000 POUNDS

	NUMBER OF OFFENSES	
SPEED IN EXCESS OF	SECOND OFFENSE	THIRD OFFENSE
65 MPH	0 Points	0 Points
70 MPH	0 Points	0 Points
75 MPH	1 Point	2 Points
80 MPH	2 Points	4 Points
85 MPH	3 Points	6 Points
90 MPH	4 Points	8 Points
95 MPH	5 Points	10 Points
100 MPH	6 Points	12 Points

* This point system will only be enforced on Ohio interstate highways.

0519x

Testimony to the U.S. House of Representatives
Committee on Public Works and Transportation
Surface Transportation Subcommittee

Selected Highway Safety Issues

(65MPH Speed Limits, Federal 55 Compliance Requirements, and related Safety Concerns)

Maurice J. Hannigan
Deputy Commissioner
California Highway Patrol
State of California

March 23, 1988

TESTIMONY TO THE UNITED STATES HOUSE OF REPRESENTATIVES

SURFACE TRANSPORTATION SUBCOMMITTEE
MARCH 23, 1988

GOOD MORNING, MR. CHAIRMAN AND COMMITTEE MEMBERS. I AM MAURICE J. HANNIGAN, DEPUTY COMMISSIONER OF THE CALIFORNIA HIGHWAY PATROL, AND I AM HERE REPRESENTING THE STATE OF CALIFORNIA. MY TESTIMONY WILL FOCUS ON SEVERAL HIGHWAY SAFETY ISSUES; ON THE CURRENT SYSTEM OF MONITORING COMPLIANCE WITH THE 55 MPH NATIONAL MAXIMUM SPEED LIMIT (NMSL), AND WHAT WE FEEL ARE SOME VIABLE ALTERNATIVES FROM CALIFORNIA'S PERSPECTIVE. WE ARE ESPECIALLY APPRECIATIVE OF THE OPPORTUNITY TO SPEAK BEFORE YOUR DISTINGUISHED COMMITTEE.

HIGHWAY SAFETY - SPEED LIMITS

THE FIRST HIGHWAY SAFETY ISSUE I WOULD LIKE TO TALK ABOUT IS THE NATIONAL MAXIMUM SPEED LIMIT. THE CALIFORNIA HIGHWAY PATROL (CHP) AND THE STATE OF CALIFORNIA HAVE STRONGLY SUPPORTED THE 55 MPH SPEED LIMIT AS A SAFETY PROGRAM, AND OUR RECORD OF ACCOMPLISHMENTS REFLECTS THAT COMMITMENT. WE BELIEVE IN BOTH WORD AND DEED THAT SPEED ENFORCEMENT IS A VERY IMPORTANT ELEMENT OF ANY TRAFFIC ENFORCEMENT PROGRAM.

AS PRACTITIONERS HOWEVER, MY AGENCY HAS TO DEAL WITH REALITY--NOT WHAT WE WISH WOULD HAPPEN, BUT WHAT IS ACTUALLY HAPPENING. WE HAVE A LIMITED NUMBER OF OFFICERS TO DEAL WITH A MULTITUDE OF IMPORTANT HIGHWAY SAFETY PROBLEMS. THE REALITY IN CALIFORNIA WAS THAT THE GREAT MAJORITY OF DRIVERS ON RURAL FREEWAYS WOULD NOT COMPLY WITH THE 55 MPH LIMIT, DESPITE OUR EXTENSIVE ENFORCEMENT EFFORTS. THAT IS WHY WE SUPPORTED LEGISLATION TO GIVE THE STATES FLEXIBILITY TO SET 65 MPH LIMITS.

IN CALIFORNIA, WE WERE CONSERVATIVE IN OUR APPROACH TO SETTING HIGHER LIMITS AND EXCLUDED ABOUT 20 PERCENT OF OUR HIGHWAYS WHICH WERE ELIGIBLE FOR 65 MPH POSTING. ALTHOUGH A NUMBER OF CONCERNS HAVE BEEN RAISED ABOUT THE 65 LIMIT, WE REMAIN CAUTIOUSLY OPTIMISTIC. IN CALIFORNIA, THE INCREASE IN ACCIDENTS HAS ROUGHLY PARALLELED THE INCREASE IN TRAVEL ON 65 ROADS, AND THERE HAS NOT BEEN A DRAMATIC INCREASE IN FATAL ACCIDENTS CONTRARY TO ERRONEOUS INFORMATION THAT APPEARED IN THE NATIONAL PRESS LATE LAST YEAR. THE MOST TELLING INDICATOR FOR US IS THE NUMBER OF FATAL ACCIDENTS CAUSED BY EXCESSIVE SPEED. THE LATEST DATA SHOWS ABOUT SIX PERCENT OF OUR FATAL ACCIDENTS WERE CAUSED BY SPEED THAT WAS UNSAFE FOR CONDITIONS, WHICH INCIDENTALLY SELDOM INVOLVES A VIOLATION OF THE MAXIMUM SPEED LIMIT, AS COMPARED TO ABOUT 33 PERCENT CAUSED BY DUI ON OUR RURAL INTERSTATE HIGHWAYS.

FROM A STATEWIDE PERSPECTIVE, FATALITIES HAVE DECREASED ABOUT 10% FOR THE FIRST PART OF 1988 COMPARED TO THE SAME PERIOD LAST YEAR WHEN WE STILL HAD 55 MPH STATEWIDE. OUR STATEWIDE SPEED REPORT ON 55 HIGHWAYS FOR THE FIRST QUARTER SHOWS SOME SCATTERED DECREASES IN SPEEDS AS WELL. WE WERE ALSO PLEASED TO SEE THAT SPEEDS ON 65 HIGHWAYS ONLY INCREASED APPROXIMATELY TWO MPH, RATHER THAN THE DRAMATIC INCREASE THAT SOME HAD ANTICIPATED.

ALTHOUGH ADDITIONAL DATA IS NECESSARY, WE BELIEVE THERE IS REASON FOR OPTIMISM ABOUT THIS CHANGE IN PUBLIC POLICY. ALONG WITH OTHERS, WE ARE CONTINUING TO CLOSELY MONITOR WHAT IS HAPPENING ON OUR 65 MPH FREEWAYS.

COMPLIANCE REQUIREMENTS - NEED FOR CHANGE

HIGHWAY SAFETY WAS AN ISSUE WITH THE 65 LIMIT AND IT IS AN IMPORTANT CONCERN WITH THE CURRENT FEDERAL REQUIREMENT FOR COMPLIANCE ON 55 MPH ROADS. THE GENERAL ACCOUNTING OFFICE, THE NATIONAL ACADEMY OF SCIENCES (NAS), AND A NUMBER OF OTHER ORGANIZATIONS HAVE DESCRIBED DEFICIENCIES IN THE CURRENT FEDERAL COMPLIANCE MONITORING SYSTEM. EVEN BEFORE CALIFORNIA WAS FACED WITH FEDERAL SANCTIONS, OUR STATE WAS ACTIVE IN DEVELOPING AND SUPPORTING IMPROVEMENTS TO THE COMPLIANCE PROCESS.

IF FEDERAL OVERSIGHT IS REQUIRED, THEN THE PROCESS SHOULD BE EQUITABLE AND BASED ON REALISTIC SAFETY AND ENFORCEMENT PRINCIPLES. WE BELIEVE THAT THE OBJECTIVE OF FEDERAL OVERSIGHT SHOULD BE HIGHWAY SAFETY AND THE SAVING OF LIVES--NOT THE FUTILE AND COSTLY EFFORT OF CONTINUALLY GATHERING AND CRUNCHING NUMBERS ON SPEED COMPLIANCE, WITH FEW APPRECIABLE BENEFITS OTHER THAN PURSUING COMPLIANCE FOR IT'S OWN SAKE.

THERE ARE A NUMBER OF REASONS TO CHANGE THE CURRENT COMPLIANCE MONITORING PROCESS, BUT MOST OF THEM FALL INTO ONE OF TWO GROUPS. FIRST AND MOST IMPORTANT IS THE INEFFECTIVENESS OF THIS COMPLIANCE REQUIREMENT IN PROMOTING OVERALL HIGHWAY SAFETY. THE SECOND IS THE ISSUE OF EQUITY, AND WHETHER THE SPEED MONITORING AND COMPLIANCE PROCESSES CREATE AN ADEQUATE BASIS FOR IMPOSING FEDERAL SANCTIONS.

IN TERMS OF INEFFECTIVENESS, UNDER THE CURRENT PROCESS A VIOLATION OF 57 MPH ON A FULL INTERSTATE FREEWAY COUNTS THE SAME AS A VIOLATION OF 85 MPH ON A TWO-LANE COUNTY ROAD. MOST TRAFFIC SAFETY RESEARCHERS AND LAW ENFORCEMENT PRACTITIONERS WOULD AGREE THAT THIS IS NOT APPROPRIATE BECAUSE HIGH SPEED VIOLATIONS ON SECONDARY ROADS ARE FAR MORE HAZARDOUS THAN MODEST NONCOMPLIANCE ON RURAL FREEWAYS. YET, UNTIL THE REQUIREMENT IS CHANGED IT ENCOURAGES, AND SOMETIMES FORCES, THE INAPPROPRIATE DEPLOYMENT OF OUR LIMITED ENFORCEMENT RESOURCES

EVEN THOUGH IT IS INCONSISTENT WITH SAFETY AND ENFORCEMENT PRINCIPLES, AND THE HIGHWAY SAFETY PRIORITIES OF THE INDIVIDUAL STATES.

IN ADDITION, LAW ENFORCEMENT AGENCIES DEPEND ON A SUBSTANTIAL MEASURE OF VOLUNTARY COMPLIANCE, AND FOR PRACTICAL REASONS, RARELY CITE MOTORISTS FOR VIOLATIONS OF THREE, FOUR, OR FIVE MPH. IN REALITY, VIOLATIONS OF THE SPEED LIMIT WERE SO PREVALENT IN SOME LOCATIONS THAT COURTS FOCUSED ONLY ON THE MORE HAZARDOUS VIOLATIONS AND DISMISSED CITATIONS WRITTEN FOR LESS THAN 10 MPH OVER THE 55 LIMIT.

HOWEVER, THE CURRENT FEDERAL REQUIREMENT TREATS MINOR VIOLATIONS JUST THE SAME AS THE RECKLESS 75 OR 80 MPH MOTORIST. AS A RESULT, THESE FACTORS HAVE COMBINED TO WEAKEN SAFETY AND ENFORCEMENT BY ENCOURAGING THE OVER-CONCENTRATION OF OUR LIMITED RESOURCES ON THE FREEWAY SYSTEM, DESPITE ITS IMPRESSIVE SAFETY RECORD.

ANOTHER WAY THE CURRENT PROCESS IMPACTS SAFETY IS THROUGH THE IMPOSITION OF SANCTIONS. BECAUSE A SANCTION REDUCES THE FUNDS AVAILABLE TO A STATE, IT REDUCES THE NUMBER OF HIGHWAY IMPROVEMENT AND SAFETY PROJECTS THAT A STATE CAN UNDERTAKE. CONSEQUENTLY, LIVES COULD BE LOST BECAUSE SAFETY IMPROVEMENTS ARE NOT BEING MADE. THIS OF COURSE, IS THE OPPOSITE OF WHAT THE LAW WAS TRYING TO ACHIEVE.

TURNING TO THE SPEED MONITORING PROGRAM ITSELF, THERE ARE A NUMBER OF INCONSISTENCIES FROM STATE TO STATE AS OUTLINED IN THE NATIONAL ACADEMY OF SCIENCES STUDY AND OTHER SOURCES. THERE ARE ALSO LARGER ISSUES OF EQUITY WHICH CALL INTO QUESTION WHETHER THERE IS A CONSISTENT BASIS FOR SANCTIONING ONE STATE VERSUS ANOTHER.

FOR EXAMPLE, THERE IS THE APPARENTLY TECHNICAL ISSUE OF HOW SPEEDS ARE CLASSIFIED BY THE AUTOMATIC MONITORING EQUIPMENT. SOME RECORDERS CLASSIFY 56 MPH AS "EXCEEDING 55 MPH," WHILE OTHERS PUT THE BREAKPOINT AT 55.01 MPH--ALMOST A FULL MPH LESS. WHILE A ONE MPH DIFFERENCE MAY NOT SOUND SUBSTANTIAL, IT CAN CHANGE A STATE'S REPORTED COMPLIANCE BY FIVE TO SIX PERCENT WHICH WOULD HAVE BEEN ENOUGH TO MAKE MORE THAN HALF THE NATION SUBJECT TO SANCTION IN 1986.

THIS INCONSISTENCY IN HOW SPEEDS ARE CLASSIFIED EXISTS THROUGHOUT THE NATION; IT "HELPS" SOME STATES AND "HURTS" OTHERS. IN AN ENVIRONMENT OF SUBSTANTIAL FEDERAL SANCTIONS, THEORETICALLY-PRECISE AND COSTLY ACCURACY BECOMES ESSENTIAL FOR A STATE TO AVOID BEING UNNECESSARILY SANCTIONED.

DIFFERENCES AMONG STATES IN THEIR ROAD SYSTEMS CAN ALSO INFLUENCE REPORTED COMPLIANCE LEVELS. FOR EXAMPLE, A STATE LIKE MARYLAND REPORTS HIGH SPEEDS PARTLY BECAUSE MANY OF THEIR ROADS POSTED AT 55 MPH ARE INTERSTATES OR OTHER HIGH DESIGN FACILITIES WHERE MOTORISTS TYPICALLY DRIVE FASTER. IN MANY OTHER STATES THOUGH, THE ANNUAL SPEED REPORT ALSO INCLUDES DATA FROM SLOWER, TWO LANE ROADS WHICH LOWERS A STATE'S REPORTED SPEED. MARYLAND, LIKE SOME OTHER EASTERN STATES, IS "HURT" BECAUSE MANY OF THEIR SLOWER, SECONDARY ROADS ARE POSTED AT SPEEDS BELOW 55 MPH AND THUS ARE NOT INCLUDED IN 55 MPH REPORTING. CERTAINLY SOME STATES COULD ARGUE THAT THIS IS AN INEQUITABLE SITUATION.

BY CONGRESSIONAL INTENT, 65 MPH ROADS WERE NOT INCLUDED IN THE FEDERAL SPEED MONITORING PROGRAM. WE APPLAUD THIS REDUCED FEDERAL INVOLVEMENT BUT SOME STATES ALSO FEEL THIS IS INEQUITABLE.

OUR ARGUMENT IS THAT THE WHOLE MONITORING-COMPLIANCE-SANCTION PROCESS HAS INHERENT AND PERVASIVE INEQUITIES AND INCONSISTENCIES. WE BELIEVE THAT THERE IS A PRESSING NEED TO RE-EXAMINE THE ENTIRE PROCESS TO EITHER ELIMINATE AS MANY OF THE INEQUITIES AS POSSIBLE, OR BETTER STILL, TO RETURN OVERSIGHT RESPONSIBILITIES TO STATE GOVERNMENT.

COMPLIANCE ALTERNATIVES

CALIFORNIA HAS EXAMINED A WIDE RANGE OF ALTERNATIVES TO THE EXISTING COMPLIANCE METHOD. THESE INCLUDE IDEAS DEVELOPED BY CONGRESSIONAL STAFF, BY THE DEPARTMENT OF TRANSPORTATION, BY OURSELVES, AND MANY OTHERS. THESE IDEAS WERE COMPILED IN A WORKING PAPER WHICH WE RECENTLY CIRCULATED TO ALL STATES, AND I WILL COMMENT ON SEVERAL OF THESE.

BUT, FIRST, LET ME CLEARLY STATE FOR THE RECORD THAT WHILE CALIFORNIA AND MANY OTHER STATES STRONGLY SUPPORT THE 55 AS A GENERAL MAXIMUM SPEED LIMIT, CALIFORNIA ALSO BELIEVES IN A STATE'S RIGHT TO REGULATE ITS OWN SPEED LIMITS AND ESTABLISH ITS OWN TRAFFIC SAFETY PRIORITIES. WHILE OUT OF NECESSITY I WILL ADDRESS THE VARIOUS APPROACHES THAT MAY BE CONSIDERED IF CONGRESS INSISTS ON SOME TYPE OF FEDERAL OVERSIGHT OF THE NATIONAL MAXIMUM SPEED LIMIT, IN REALITY, WE HAVE NOT BEEN ABLE TO IDENTIFY A MONITORING SYSTEM OR SANCTION PROCESS WHICH IS EQUITABLE TO ALL OF THE STATES IN ALL CASES. THEREFORE, WE WOULD ULTIMATELY FAVOR TOTAL REPEAL OF A FEDERAL MONITORING OR SANCTION SYSTEM AS THE DRIVING FORCE BEHIND THE NATIONAL MAXIMUM SPEED LIMITS. WE FULLY AGREE WITH RECENT TESTIMONY OFFERED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY AND FEDERAL HIGHWAY ADMINISTRATIONS WHEREIN THEY EXPRESSED CONFIDENCE IN THE STATES' ABILITIES TO ENFORCE THEIR LAWS WITHOUT DETAILED FEDERAL OVERSIGHT.

A STEP TOWARDS RETURNING THIS RESPONSIBILITY WOULD BE TO HAVE A PROGRAM BASED ON INCENTIVES RATHER THAN SANCTIONS. WE BELIEVE THAT INCENTIVES WOULD MORE EFFECTIVELY PROMOTE IMPROVEMENTS IN HIGHWAY SAFETY. AN INCENTIVE PROCESS COULD BE AS STRAIGHTFORWARD AS USING THE EXISTING HIGHWAY SAFETY (§ 402) FUNDS AS INCENTIVE GRANTS TO STATES WHOSE MILEAGE DEATH RATE IMPROVED THAT YEAR. OTHER CRITERIA COULD BE DEVELOPED OF COURSE, BUT THE IDEA IS TO MEASURE A STATE'S OVERALL SAFETY EMPHASIS WITHOUT UNNECESSARY EXPENDITURES ON AN ELABORATE, COSTLY MONITORING SYSTEM WHICH HAS LIMITED OTHER USES.

HOWEVER, ASSUMING CONGRESS FEELS THERE MUST BE A SANCTION PROCESS, THEN WE BELIEVE THAT CONTINUED FUNDING FOR ALL HIGHWAY SAFETY PROJECTS IN A STATE SHOULD BE ASSURED REGARDLESS OF WHETHER A STATE MEETS THE COMPLIANCE DEMANDS. HIGHWAY SAFETY PROJECTS SHOULD BE EXEMPT FROM THE SANCTION OF HIGHWAY FUNDS.

ON THE ISSUE OF EQUITY AMONG STATES, PERHAPS THE EASIEST WAY TO RESOLVE THIS PROBLEM WOULD BE TO SIMPLY REQUIRE THAT EACH GOVERNOR ANNUALLY CERTIFY THAT THEY ARE ENFORCING THE SPEED LIMIT TO THE BEST OF THEIR ABILITY. NO MONITORING OR SPEED STATISTICS WOULD BE REQUIRED BY THE FEDERAL GOVERNMENT. THIS IDEA HAS BEEN ENDORSED BY A NUMBER OF STATES AND IS AN IDEAL COMPROMISE FROM OUR PERSPECTIVE.

IF THIS SIMPLIFIED PROCESS IS NOT ACCEPTABLE, OTHER AVENUES ARE AVAILABLE. FOR EXAMPLE, MORE SOPHISTICATED FORMULAS ARE A POSSIBLE WAY TO ESTIMATE SAFETY AND COMPLIANCE LEVELS IN A STATE. THE CONCEPT OF A "POINT SYSTEM" WAS RECOMMENDED BY THE NATIONAL ACADEMY OF SCIENCES AND THE GENERAL ACCOUNTING OFFICE. IT ATTACHES MORE SIGNIFICANCE TO HIGH-SPEED VIOLATIONS, AND VIOLATIONS ON LESS-SAFE ROADS AND WAS THE TYPE OF FORMULA ORIGINALLY CONTAINED IN H.R. 3129 AND MOST RECENTLY IN H.R. 2. IT PRESUPPOSES THAT IF ACCIDENTS ARE GOING TO OCCUR FROM SPEEDING, THEY WILL LIKELY BE MORE SEVERE ON NONFREEWAYS WHICH ARE GENERALLY RURAL IN NATURE AND NOT UP TO THE SAME ROAD DESIGN STANDARDS AS FREEWAYS. THE FORMULA CAN ALSO BE SET SO IT ACCOMMODATES THE 5-10 MPH JUDICIAL TOLERANCE BY ASSIGNING MINIMAL POINT VALUES TO LOW SPEED VIOLATIONS. SUCH A POINT SYSTEM WOULD ALSO ADDRESS OUR NEED TO DEPLOY OFFICERS IN LOCATIONS WITH ESTABLISHED ACCIDENT PROBLEMS. UNFORTUNATELY, THE H.R. 2 FORMULA RESULTS IN A VERY BROAD DISPERSION OF SCORES, AND STATES WHICH HAVE A SIGNIFICANT AMOUNT OF THEIR TRAVEL OFF THE FREEWAY SYSTEM WOULD BE AT A DISTINCT DISADVANTAGE.

SAFETY INCENTIVE PLAN

CERTAINLY THERE ARE A WIDE VARIETY OF POTENTIAL COMPLIANCE FORMULAS. TYPICALLY THEY ARE PUNITIVE IN NATURE AND FOCUS ON SPEED MEASUREMENTS, WHICH IS ONLY ONE DIMENSION OF SAFETY IN A STATE.

TO ADDRESS THIS CONCERN, CALIFORNIA SUPPORTS THE CONCEPT OF A BROADLY-BASED "SAFETY INCENTIVE PLAN" WHICH COULD BE USED IN COMBINATION WITH ANY OF THE SAFETY-BASED FORMULAS. THIS INCENTIVE PLAN WOULD ALLOW A CERTAIN NUMBER OF POINTS TO BE SUBTRACTED FROM A STATE'S POINT TOTAL, BASED ON A STATE'S OVERALL EFFORTS TO IMPROVE HIGHWAY SAFETY. FOR EXAMPLE, IF A MANDATORY SEAT BELT LAW WAS "WORTH" 50 POINTS, THEN, IF A STATE HAD A BELT LAW, 50 POINTS WOULD BE SUBTRACTED FROM THE STATE'S COMPLIANCE SCORE AND THIS NET SCORE WOULD BE THE BASIS FOR ANY SANCTIONS.

THIS CONCEPT WORKS WITH OTHER FACTORS SUCH AS:

A. IF THE STATE HAS IMPROVED ITS MILEAGE DEATH RATE,

B. IF THE STATE HAS AN AGGRESSIVE DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT AND/OR PUBLIC EDUCATION PROGRAM,

C. IF THE STATE HAS A NEW SPEED ENFORCEMENT PROGRAM OR INFORMATION CAMPAIGN, OR

D. IF THE STATE HAS A HIGH PROPORTION OF OFFICERS ENFORCING THE 55 MPH SPEED LIMIT, ETC.

THESE, OR OTHER FACTORS COULD BE INCLUDED IN THIS SAFETY PLAN AS INCENTIVES FOR IMPROVING HIGHWAY SAFETY.

SAFETY IS THE BOTTOM LINE

THE PREVIOUS EXAMPLES HAVE ILLUSTRATED THE RANGE OF POSSIBLE ALTERNATIVES. ALL OF US HERE HAVE A DEEP COMMITMENT TO IMPROVING HIGHWAY SAFETY OR WE WOULD NOT HAVE SELECTED THE PROFESSIONS WE DID. THE NATIONAL GOVERNORS ASSOCIATION AND OTHERS HAVE OPPOSED THE PHILOSOPHICAL BASIS FOR SANCTIONS. CALIFORNIA CONCURS AND IS INTERESTED IN AN INCENTIVE PLAN WHICH RECOGNIZES A STATE'S EFFORTS TO IMPROVE SAFETY, RATHER THAN COUNTERPRODUCTIVE SANCTIONS. IN ESSENCE--PROGRESS TOWARDS IMPROVING SAFETY SHOULD BE THE BOTTOM LINE.

CALIFORNIA HAS CONTINUALLY AND VIGOROUSLY ENFORCED THE 55 MPH MAXIMUM SPEED LIMIT, AND LAST YEAR EXPENDED $2.5 MILLION DOLLARS FOR AUGMENTED SPEED ENFORCEMENT PROGRAMS. SINCE ITS INCEPTION IN 1974 THE CHP HAS ISSUED AN AVERAGE OF ONE MILLION CITATIONS FOR 55 NMSL VIOLATIONS PER YEAR. ADDITIONALLY, WE DEPLOY 85 PERCENT OF OUR OFFICERS ON ROADS WHICH HAVE A 55 MPH OR 65 MPH SPEED LIMIT, WHICH TOTALED 2.8 MILLION HOURS OF PATROL LAST YEAR.

THE NATIONAL ACADEMY OF SCIENCES, IN THEIR "55: A DECADE OF EXPERIENCE" REPORT NOTED THAT ON A NATIONAL BASIS, THERE WAS AN AVERAGE OF ONE ON-DUTY OFFICER FOR EVERY 190 MILES OF

55 HIGHWAY, WHEREAS IN CALIFORNIA, CHP DEPLOYMENT IS MUCH MORE CONCENTRATED, WITH ONE OFFICER EVERY 27 MILES. THE NAS ALSO CHARACTERIZED CALIFORNIA AS A HIGH-PENALTY STATE BECAUSE OF EXISTING LAWS TO DETER SPEEDING. DESPITE THIS, THE STATE OF CALIFORNIA IS FACING THE SANCTION OF AS MUCH AS $56.8 MILLION FOR TWO YEARS OF NONCOMPLIANCE.

WHILE THE CHP'S ACCOMPLISHMENTS IN SPEED ENFORCEMENT HAVE BEEN NOTEWORTHY, THE HIGHWAY PATROL HAS NOT, AND CANNOT, NEGLECT THEIR OTHER IMPORTANT PUBLIC SERVICE AND ENFORCEMENT DUTIES. OTHER TRAFFIC SAFETY ISSUES HAVE REQUIRED PRIORITY ATTENTION SINCE THE 55 NMSL WAS ENACTED. DURING THIS DECADE, THE CHP HAS ALSO DEVOTED REGULAR AND SUPPLEMENTAL RESOURCES TO IMPACT DUI, COMMERCIAL VEHICLE ENFORCEMENT, HAZARDOUS MATERIAL TRANSPORTATION, SEAT BELT COMPLIANCE, AND OTHER TRAFFIC SAFETY ISSUES.

THE FACT IS--SAFETY IS OUR PRIMARY OBJECTIVE, NOT JUST ISSUING CITATIONS FOR SPEED. AS PRACTITIONERS, WE ARE REMINDED EVERY DAY THAT OUR RESOURCES ARE LIMITED. TO START A NEW PROGRAM, WE HAVE TO CUT AN EXISTING ONE. IT'S A QUESTION OF BALANCING PRIORITIES.

LET ME ADDRESS PRIORITIES. THE MEN AND WOMEN OF THE CALIFORNIA HIGHWAY PATROL AVERAGE ONE ARREST EVERY 11 SECONDS, OF WHICH, APPROXIMATELY 3,000 PER DAY ARE FOR SPEED VIOLATIONS, 400 PER DAY ARE FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL (AND/OR DRUGS), AND 1,400 PER DAY ARE FOR SEAT BELT VIOLATIONS, TO NAME A FEW. IN ADDITION TO THEIR OTHER AND VARIED RESPONSIBILITIES SUCH AS COMMERCIAL VEHICLE ENFORCEMENT AND MOTORIST ASSISTANCE, THESE SAME OFFICERS COLLECTIVELY INVESTIGATE AN AVERAGE OF SOME 600 TRAFFIC ACCIDENTS A DAY. ACCORDINGLY, THEY ARE THE HANDS-ON PRACTITIONERS WHO MUST DEAL WITH THE CARNAGE AND HUMAN SUFFERING OCCURRING ON OUR HIGHWAYS; AND THEY KNOW THE PRINCIPAL CAUSES OF THOSE TRAGEDIES. CONTRARY TO THE POPULAR BELIEF OF THE WELL-INTENDED BUT FREQUENTLY MISINFORMED, SELDOM IS A VIOLATION OF THE MAXIMUM SPEED LIMIT A CAUSATIVE FACTOR. IN CALIFORNIA FOR EXAMPLE, 14 PERCENT OF OUR FATAL ACCIDENTS, THE VAST MAJORITY OF WHICH OCCUR OFF OUR FREEWAY SYSTEM, ARE ATTRIBUTED TO EXCESSIVE SPEED FOR CONDITIONS--THAT IS TO SAY THE DRIVER WAS TRAVELING TOO FAST FOR THE TRAFFIC CONDITIONS, ROAD CONDITIONS OR WEATHER CONDITIONS, BUT NOT NECESSARILY EXCEEDING THE MAXIMUM SPEED LIMIT. IN FACT, OVER THE PAST 10 YEARS, WE CAN ONLY POINT TO 2.2 PERCENT OF OUR FATAL ACCIDENTS BEING CAUSED BY A VIOLATION OF THE MAXIMUM SPEED LIMIT.

NEVERTHELESS, I WAS REMINDED BY SOME WITNESSES AT A RECENT SENATE HEARING, WHO ARE NOT FIRST-HAND PRACTITIONERS, THAT THEIR ANSWER TO REDUCING OUR MILEAGE DEATH RATE IS MORE MAXIMUM SPEED ENFORCEMENT, EVEN FOR MINOR INFRACTIONS, EVEN AT THE COST OF OTHER TRAFFIC SAFETY PRIORITIES. THIS IS PURE FOLLY, BUT

THAT OUTLOOK HAS BECOME SO ENTRENCHED IN SOME QUARTERS THAT WELL-BALANCED TRAFFIC SAFETY PROGRAMS ARE ENDANGERED.

DO NOT MISUNDERSTAND ME--ENFORCING SPEED LAWS IS IMPORTANT, ESPECIALLY WHERE SPEED VIOLATIONS ARE CONTRIBUTING TO ACCIDENTS, BUT MAXIMUM SPEED ENFORCEMENT ALONE IS NOT THE PANACEA FOR ALL OUR TRAFFIC SAFETY PROBLEMS. DRIVERS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, ACCORDING TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, ARE RESPONSIBLE FOR APPROXIMATELY 40 PERCENT OF OUR NATION'S FATAL TRAFFIC ACCIDENTS; IN CALIFORNIA THAT FIGURE STANDS AT APPROXIMATELY 35 PERCENT. WITH THOSE FIGURES IN MIND, IT WOULD BE IRRESPONSIBLE FOR THE CALIFORNIA HIGHWAY PATROL TO DEVOTE ANY MORE THAN ONE THIRD OF ITS ENFORCEMENT EFFORT TO MAXIMUM SPEED VIOLATIONS. I SUGGEST TO YOU THAT TO DO SO WOULD BE CONTRARY TO THE PUBLIC INTEREST, AND IN DIRECT CONFLICT WITH THE MANDATE OF OUR GOVERNOR AND OUR STATE LEGISLATURE TO IMPROVE HIGHWAY SAFETY.

THE PROPONENTS WHO TAKE THIS POSITION NORMALLY ARGUE THE SEVERITY FACTOR, STATING THE LOWER THE SPEED AT IMPACT, THE HIGHER THE CHANCE OF SURVIVAL FOR THE VICTIMS; AND THEY ARE ABSOLUTELY CORRECT. PHYSICS TELLS US THAT LOWER SPEEDS MEAN ACCIDENTS ARE LESS SEVERE, BUT FROM AN ENFORCEMENT PERSPECTIVE SHOULD NOT OUR FIRST PRIORITY BE TO REDUCE THE CHANCES OF THE ACCIDENT OCCURRING IN THE FIRST PLACE? AND IF FEWER DUI DRIVERS ARE ON THE ROAD, FEWER ACCIDENTS ARE LIKELY TO OCCUR. IT'S THE DIFFERENCE BETWEEN PREVENTION AND MITIGATION, AND CURRENT FEDERAL OVERSIGHT OF THE NMSL IS DIRECTED TOWARD REDUCING SEVERITY OF ACCIDENTS, AND NOT VIOLATIONS WHICH CAUSE ACCIDENTS.

I MENTIONED EARLIER THAT THE CHP ISSUES APPROXIMATELY ONE MILLION MAXIMUM SPEED CITATIONS PER YEAR. ABSENT THE THREAT OF FEDERAL SANCTIONS, MY DEPARTMENT WOULD GLADLY TRADE OFF SOME OF THOSE SPEED CITATIONS TO INCREASE THE 135,000 TO 150,000 DRUNK DRIVERS WE APPREHEND EACH YEAR, AND SAVE MANY MORE LIVES IN THE PROCESS. UNFORTUNATELY, THE THREAT OF THE FALLING FEDERAL AX DOES NOT ALLOW CALIFORNIA THAT FLEXIBILITY.

CONCLUSION

ENFORCEMENT BALANCE IS CRITICAL. SANCTIONS HAVE UNBALANCED OUR APPROACH. ENFORCEMENT ALONE SIMPLY CANNOT COERCE COMPLIANCE WITH A LAW THAT IS NOT SUPPORTED BY THE PUBLIC. OUR RESOURCES ARE LIMITED AND THERE ARE MANY AND GROWING DEMANDS FOR OUR SERVICES. SAFETY OF THE PUBLIC SHOULD BE THE BOTTOM LINE.

I BELIEVE THAT CALIFORNIA HAS AN EFFECTIVE TRAFFIC SAFETY PROGRAM AS EVIDENCED BY OUR OVERALL MILEAGE DEATH RATE OF 2.4. THE STATE OF CALIFORNIA IS FIRMLY COMMITTED TO THE IMPROVEMENT OF TRAFFIC SAFETY AND HAS ESTABLISHED A LEADERSHIP POSITION IN MANY AREAS OF ENFORCEMENT, ENGINEERING AND PUBLIC EDUCATION.

WE NEED FLEXIBILITY FROM YOU TO BALANCE OUR SAFETY EFFORTS. CALIFORNIA CAN DO AN EXCELLENT JOB OF SETTING SAFETY PRIORITIES THAT ARE APPROPRIATE FOR CALIFORNIA WITHOUT A FEDERAL COMPLIANCE MONITORING SYSTEM. WE ALSO FIRMLY BELIEVE THAT INCENTIVES CAN IMPROVE SAFETY AND THAT THE FEDERAL GOVERNMENT SHOULD CO-AUTHOR TRAFFIC SAFETY PROGRAMS WITH STATES, WHICH MEET THE NEEDS OF THOSE INDIVIDUAL STATES, AND DO AWAY WITH COUNTERPRODUCTIVE SANCTIONS.

THAT'S CALIFORNIA'S PERSPECTIVE. IN THE SHORT RUN, WE ARE VERY INTERESTED IN DISCUSSING ANY PROPOSALS FOR AN IMPROVED COMPLIANCE PROCESS WHICH CHANGE THE CURRENT SYSTEM TO AVOID THE COUNTERPRODUCTIVE EFFECTS OF FISCAL SANCTION AND ULTIMATELY ENHANCE TRAFFIC SAFETY. IN THE LONG TERM, WE BELIEVE THE FEDERAL GOVERNMENT SHOULD REMOVE ITSELF FROM THE SPEED MONITORING PROCESS ALTOGETHER. WHILE YOU AND YOUR STAFF WORK ON THIS DIFFICULT ISSUE, I WOULD LIKE TO EMPHASIZE THAT THE CALIFORNIA HIGHWAY PATROL AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ARE AVAILABLE TO PROVIDE WHATEVER ASSISTANCE THAT YOU MAY NEED.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU TODAY, AND I WILL BE HAPPY TO RESPOND TO ANY QUESTIONS THAT YOU MAY HAVE.

Mr. ANDERSON. Following our next witness, we will break for lunch.

We have now, Tom Donohue, president and chief executive officer, American Trucking Associations, accompanied by Will Johns, director of technical services.

Tom, we do have your prepared statement. It will be made a matter of the record in its entirety.

TESTIMONY OF THOMAS J. DONOHUE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN TRUCKING ASSOCIATIONS; ACCOMPANIED BY WILL JOHNS, DIRECTOR OF TECHNICAL SERVICES

Mr. DONOHUE. Mr. Chairman, I am going to give you the whole load of hay in a very short move.

First of all, Mr. Chairman, on behalf of the American Trucking Associations, we wanted to express for the record our sorrow at the passing of Representative Biz Johnson, who for many years gave great service to our industry and to this country. We would like to put that in the record and to express our concerns and feelings to his family and to his friends. If we could do that, I would appreciate it.

Mr. Chairman, not only do I have a plane to catch, but Mrs. Donohue is going with me, and so we are going to run along to check some luggage, which we normally don't do. So, you will appreciate that I am going to move a little more quickly with the material this morning.

As you know, we are here primarily to urge the Congress and this committee to get on with the business of expediting passage of S. 861, the pending legislation to remove the commercial zone safety exemption. I am very much thankful for the roles the chairman and this committee in moving this legislation forward. We can save a lot of lives and we can save a lot of anguish if we can move on that legislation.

Second, I would not attempt to add very much to the discussion of a few minutes ago except to say that we continue to support the 55-mile-per-hour speed limit. We think it's good for trucks, and we think it's good for the country.

I was interested to hear the gentleman from California say that in the fog, now that the trucks are going 55 and the cars are going 65, they're running into the backs of our trucks. We will do the best we can under the tension of that, Mr. Chairman, but we want everybody to go 55.

We would ask the Congress, further, to help the DOT resist pressures from some truck operating groups to exempt themselves from the commercial drivers license requirement. You have heard some of that and your staff has. Everybody that drives a heavy truck, should be trained and tested. We would ask the assistance of the committee in making sure that when we finally get this license program fully implemented, that we will have a unique identifier so that we won't go back to the problems of the past where people have two, three, five, and fifteen licenses.

We seek the help of the Congress in trying to define more clearly the mandate for periodic truck inspections. We have spelled out in our testimony the diversion of resources that might come if we are not careful with this requirement. We think we need more roadside inspections. Let's get the real bad guys off the road.

We support in our testimony the proposed brake study that we see coming down the road. We are going to be very aggressive in providing information for that, and we support the provisions of S. 861 for a study of antilock brakes. We appreciate the committee's help in arranging a sequential order for those matters.

We would like to get you, sir, to urge the DOT to develop a uniform schedule of penalties for the Motor Carrier Safety Assistance program to get rid of the uneven application of penalties. We have some States where there are $1,000 fines for very minimum infractions and other places where you get $10 for something serious. We need some guidance on the matter.

We seek explicit congressional authority for DOT to require an ownership identification on trucks operated by those carriers that are exempt from the ICC. I think we ought to know who it is that's driving down the road next to us.

We will be back, as I indicated last week, for some help on the matter of overweight containers that we are trying to deal with, many of them in the chairman's area of the country as well.

I would just put a parenthetical comment in here that I think is important for the committee to understand. We have been working very closely with Secretary Burnley on a lot of these safety issues, and I find him responsive, reasonable, and I think with his help we are going to move some things forward.

But let's get on with the final major issue I would like to cover, and that is I would like to take the bull by the horns and talk about a very tough issue—and that is drug testing.

I think you know, Mr. Chairman, that ATA is the leader on truck safety matters. It has been our priority for 3½ years. But the facts are simple in drug testing. Substance abuse has not been identified as a significant factor in truck accidents. In truck fatal accidents, 1 out of 100 accidents involves drugs or alcohol in the driver of the truck. In fatalities with cars, it's 50 out of 100.

I could go on and give some examples, but I would simply go to the point and say the trucking industry, with 5,400,000 drivers supports drug testing that is legal, constitutional, and equitable among all drivers. We want to get the drug problem, if it does exist, off the road.

I give in my statement a series of things that we did in 1984 and 1986 and 1987, asking the DOT to take steps that would be helpful. One that we succeeded in, we got the word "dependent on drugs" changed to a "user of drugs" to allow us to get people off the road. There are many pending issues, and I hope Secretary Burnley is as aggressive as he promises and we can get this matter taken care of.

I just would call to the chairman's attention two matters about drug testing. Number one, when you take the airlines and the railroads and put everybody they want to test together, it's less than 100,000 people. When you take the trucking industry, it's someplace between 3.5 and 5.5 million people. You are talking about a serious matter because they are all over the country, and 80 percent of our companies have five or fewer trucks and seven or eight or fewer drivers. That is a very complicated issue.

Second, equity suggests that whatever we do, we test those drivers, in a situation where any driver will be at risk. We don't need a deal where we can have a Pontius Pilate arrangement and we can say, "Well, we've tested the big companies and we're getting to 20 percent of the drivers and we've done our thing."

If we're going to have mandatory testing, we have to have a way to get to everybody. The way to start is to go with the pilot test in four States, which has been proposed in certain legislation to try it on the roadside where everybody would be at risk and where it can be controlled and where we can test the constitutionality, the legality, the technicalities, the cost factors and everything else.

We are here to support the efforts to reduce speed on the highway, to identify bad drivers, to get them off the highway using the drivers license, to protect the commercial zone, and to do whatever we can in drug testing that makes sense.

Mr. Chairman, you have been very gracious with your time today as well as on many other occasions. I have a few minutes to take a few questions, and if the committee has any others—particularly the hard ones—we will leave those for Mr. Johns because he has been in the safety business a long, long time and has made a major contribution to safety on our highways. I am just glad he could be with us today.

I thank you for expediting the effort in letting me make my few comments.

Mr. ANDERSON. Thank you, Tom.

Tom, because of your strong support for the 55 mile-per-hour national speed limit and for the reasons you elaborate that it is better for the motor carrier operator to run his trucks at 55, may I assume that you would support legislation requiring that trucks be equipped in such a way that they would not unreasonably violate the limit, so long as it didn't interfere with the normal, safe operation of the truck?

Mr. DONOHUE. Mr. Chairman, I have to be very careful with that question because it might be leading me in a direction I don't want to go. But let me say that there are many companies, very excellent companies in our business, who have used a Governor or adjusted the engine in such a way that it could pull tremendous weight but it could not go beyond 57 or 58 miles an hour, making some arrangements to have sufficient acceleration to avoid accidents.

I believe, if I were running a trucking company, that's what I would do. I would use less fuel, I would have better-maintained trucks, I would have fewer accidents, and I could associate myself with that. And as long as everyone had to do it and as long as it was something that assured the safety of the driver and the vehicle and is technically possible, I would support that.

You see, for us, slower trucks allow us to operate more safely and keep our costs down and let us avoid accidents. There is no other way for us to argue.

Mr. ANDERSON. Now, you also state in your remarks that motor carriers and shippers are now working on arrangements and procedures to eliminate the overweight container problem. I am not familiar with those efforts. Could you please elaborate on what is being done to address this very complex problem?

Mr. DONOHUE. Just quickly to state the problem, if you went to the ports in California or even along the Atlantic coast, you will find large numbers of containers that say television parts, 34,000 pounds. They are really nuts and bolts and weigh 107,000 pounds. Now, I am exaggerating to make a point, but it's close.

What happens is the containers come into the port and are taken off the ship. They're mostly taken out by small companies. If you refuse to take them because they're overweight, they'll give them to someone else. Then you drive the containers outside the gate, and it's the truck driver that gets the ticket. It's the local resident that is at safety risk. And it is the local roads in the local community that are destroyed.

What we need to do is to weigh the containers as they come off—it's a simple technology—and offer the foreign importers into the United States a very simple three options: leave it here and we'll send it back; we'll pay the ILA to break it down into individual components; or pay a special fee and we'll move it sometime tonight.

We are having meetings now with the railroads and with the port people and with the truckers and shippers to try to come down to figure out how we can handle the problem.

I have asked Mr. Burnley and his colleagues to simply go and weigh a few containers in a few ports and see what he finds out. It's something we have to deal with.

By the way, it's a very important matter for our competitiveness. Why should we allow the foreign competitor to overload the shipment, send it in here, therefore, at a reduced cost, pay less to the trucker than he allegedly should, and then claim that he's competing fairly with us?

I think eliminating overweight containers is good competition. I think it's good safety. I think it's good business. Let's stick it to them.

Mr. ANDERSON. Now, the issue of overweight containers isn't simply an import problem. In a survey that was conducted in Long Beach, it was found that of all the trucks cited for overweight violations, 75 percent were going to the port, not from the port.

So, I pose my question: Are you engaging the railroads and others in your discussions on this issue?

Mr. DONOHUE. As a matter of fact, Mr. Chairman, I didn't know it was 75 percent, but we knew it was a good number of containers that are doing that. I think, by the way, it's sort of like the speed that was discussed before: if everybody else is driving 65, you sort of get along with it.

But I believe that we ought not to allow overweight containers. And by the way, we're not talking about two percent overweight or something that happens because of the humidity or they throw one more piece in to keep it from rattling around. We're talking about intentional overweight.

And, yes, there is a problem domestically, and we have looked at that. We believe if we attack first the incoming containers where we can cluster them all in the same place, then everybody will come into cooperation on the matter. And we ought to do it.

Mr. ANDERSON. This will be my last question, and then you can go, I guess.

Mr. **Donohue**. Yes, sir.

Mr. **Anderson**. According to one study I have seen, when an unsafe truck is put out of service as a result of a roadside inspection, it is very easy for an unscrupulous driver to simply pull the truck back out on the road once the inspector has left the site.

I was wondering now, does MCSAP provide us with the assurance that a truck which is pulled out of service is repaired before it is put back in service? Should there be provisions made for reinspection of any truck that is taken out of service? I thought you might comment on that.

Mr. **Donohue**. I think it's a good question, Mr. Chairman, and the answer is: it all depends all around.

First of all, why was the truck taken out of service? Did it have a lightbulb out and somebody has to put that in? Did it have one brake that the driver can easily adjust or the local mechanic? What is the problem?

In some places the enforcement is much more scrupulous and much more careful. In other places, it's not as scrupulous.

I should say also that we are taking a lot of heat publicly because we have all agreed—the Congress, the DOT, and the industry—to pull trucks off the road not on a random basis anymore, but based on a look-and-see effort when we know they're in bad shape. I think when a truck is seriously dangerous, we ought not let it move, and if it moves, we ought to put the guy that moves it in jail.

On another occasion, if there is some simple matter that can be adjusted, then we ought to be a little more understanding and move on the product. We are working on this with our members, we are working with the States, and I think your committee and your staff has been very helpful in pushing the DOT on this.

Mr. **Anderson**. Thank you very much, Tom.

Have you got time to make it?

Mr. **Donohue**. I have time to make it, sir.

Mr. **Anderson**. All right. I hope so.

Mr. **Donohue**. I am going to stop in your State on the way, and I will leave your best regards, and I shall see you in a few days. Thank you.

Mr. **Anderson**. Where are you going?

Mr. **Donohue**. Well, believe it or not, we are going to Hawaii for three and a half days to do a speech and have two other meetings. I certainly appreciate your help on the schedule. Have a very nice day.

Mr. **Anderson**. Thank you.

[Mr. Donohue's prepared statement follows:]

Before the

UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON SURFACE TRANSPORTATION COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

MARCH 23, 1988
WASHINGTON, DC

Statement of the

AMERICAN TRUCKING ASSOCIATIONS
On
TRUCK SAFETY OVERSIGHT

Thomas J. Donohue
President and Chief Executive Officer

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ATTACHMENTS:

1. A Critical Review of: "Drug Use by Tractor-Trailor Drivers," Pamela R. Getson, Ph.D.
2. "Fail Safe or Fail Dead?" Transport Engineer, February 1988.

EXECUTIVE SUMMARY

I am Thomas J. Donohue, President and Chief Executive Officer of the American Trucking Associations, Inc. I submit this statement on behalf of ATA, the national trade association of the trucking industry.

ATA's slogan, "Without Trucks, America Stops" speaks to the fact that the American trucking industry provides an essential transportation service to the largest economy in the world. The trucking industry's goal must be to assure that the expectations of business for an efficient, responsible transportation service are well founded and that such service is based on safety of truck operations.

The ATA Safety Committment

ATA is the leader on truck safety matters. That has been our #1 priority since I became President of ATA 3 1/2 years ago. Our Staff and programs are committed more than ever before to truck safety. To carry out our committment we have initiated:

- training programs for drivers and supervisors;
- monitoring programs to detect unsafe vehicles and unsafe drivers;
- research to identify accident experience;
- cooperative programs to improve vehicle performance, especially in the area of truck brakes; and
- programs to improve the image and professionalism of truck drivers.

In addition to establishing our own programs we have advocated and supported government actions to promote motor carrier compliance with regulations; shape the skill, knowledge and attitudes of drivers; and assure that vehicles are built and maintained for maximum safety.

Drug Testing

We have demonstrated our safety leadership on the issue of drug testing by being more pro-active than the leadership of any other mode of transportation.

We petitioned for, and are responsible for, a Federal rule which provides that a driver is medically unqualified if there is evidence of drug use, as opposed to drug dependence.

We have petitioned DOT for drug testing which we believe is legal, constitutional and equitable; that is, pre-employment drug testing and periodic drug testing. Unfortunately, DOT has not yet acted on our petition.

We have testified in support of drug testing based on "reasonable suspicion" that a person is under the influence of drugs; and we have stated support for post accident drug testing if there is reason to believe that a driver is under the influence of drugs.

We have petitioned DOT for disqualification of drivers who use drugs on or off the job.

We conceived a pilot program of random roadside drug testing but ATA does not, at this time, support random mandatory drug testing by motor carriers. Truly random drug testing is not possible in the trucking industry because of the sheer numbers and logistics involved.

Of an estimated 230,000 motor carriers, approximately 190,000 have fewer than six drivers. Most carriers are self employed or have only one or two drivers. It is not possible for a person to do random drug testing on himself, nor is it possible for DOT to enforce a random drug testing requirement on small carriers and owner operators. Trucking is entirely different from the airlines and railroads. Airline and railroad employees typically are present at a company facility at least once per day. In the trucking industry, the only daily contact between a truckload driver and his company may be a long distance call to the dispatcher. It is not practical to administer random testing in such a situation. Moreover, the trucking industry has an estimated 5.4 million drivers. The railroads have only 56,400 engineers and firemen, and the airlines have only 35,000 pilots and co-pilots.

There are thousands of truck operators, such as farmers and manufacturers, who do not consider themselves a part of the trucking industry because although they have trucks, trucking is not their primary business. This non-identification with trucking and the small size of trucking companies makes it impossible for government officials to achieve compliance by all of them, despite their best efforts. If legislation is enacted it will be impossible for those officials to enforce compliance with a random drug testing requirement unless there is a proven means of practical and effective testing. That is why ATA advocates a pilot program in which state officials at roadside inspection points select truck drives randomly for drug testing. Congress should mandate such a pilot program and avoid precipitous legislative action that will result in a "paper tiger"....a program that looks good, sounds good, but has little or no practical application or effectiveness.

Commercial Zone Safety Exemption

ATA is still an advocate for elimination of the commercial zone safety exemption. We urge Congress to expedite passage of S.861, the legislation to eliminate this major loophole in government and industry efforts to remove unsafe drivers and unsafe vehicles from the highways. If the exemption is removed, state and federal authorities will be able to enforce compliance with truck safety regulations designed to protect the motoring public within commercial zones as well as outside of them.

55mph Speed Limit

I am pleased to report to this Committee that the trucking industry continues to support the 55 mph national speed limit because of its effectiveness in saving lives, reducing injuries, and reducing fuel use and other costs of operating trucks. We urge Congress to resist further efforts to extend the 65 mph limit to other highways. Such actions adversely affect compliance with speed limits on highways marked for 55 mph and lower limits.

Commercial Driver Licensing

In previous testimony, ATA has stated ongoing support and leadership for an effective commercial driver licensing program, as mandated by the Congress. We are concerned that there is pressure by some groups that operate heavy trucks to be exempted from the licensing requirements. Such exemptions should not be allowed or they will weaken the ability of the program to assure that only qualified persons are licensed to operate heavy trucks, and that there is an effective record system to detect bad drivers and get them off the road. We are concerned also that DOT is not strongly proactive for utilization of unique identifiers, rather than social security numbers, to keep truck drivers from falsifying their identity and obtaining multiple licenses to hide a bad record. The new licensing program cannot be effective if truck drivers with bad records can obtain phony identification to hide their records.

Hazards of Overweight Containers

The transportation of overweight ocean containers jeopardizes the safety of truck transportation. The excess weignt places burdens on truck safety features (tires, wheels, brakes) that can cause failures and accidents. Motor carriers usually have no way of knowing that the containers are overweight. Carriers and container shippers are now working for arrangements and procedures to eliminate the problems. If these efforts are not successful Congressional action may be needed to require that shippers of containers make certain that the containers are not overweight.

Periodic Inspections

As we have pointed out previously, ATA has reservations about the periodic inspection program mandated by Section 215 of the Motor Carrier Safety Act. We support roadside inspection programs and requirements for systematic maintenance and inspection of vehicles by motor carriers. The requirement for annual or semiannual inspections of trucks will have little safety benefit and may even detract from safety by siphoning off manpower and funding needed for more effective programs such as the roadside inspections.

Truck Brakes

Congressional mandates have resulted in increased truck inspections and operative front axle brakes. These will improve truck brake performance dramatically. There must also be improvement of valves and linings in the current basic brake system, and incorporation of new technology in today's system.

The trucking industry is working closely with government and manufacturers to improve truck brakes but we are concerned that this relationship will be destroyed if Congress directs DOT to establish a truck brake rulemaking that would create formal relationships and inhibit the close cooperation that now exists. We urge Congress to avoid such a mandate and, instead, to direct DOT implementation of the three phase brake research program called for in the Section 216 study done for Congress by NHTSA.

MCSAP

The Motor Carrier Safety Assistance Program created through a Congressional mandate in the STAA of 1982 has had excellent results. The trucking industry has been a staunch supporter of the program because it provides a strong impetus for motor carriers to keep vehicles in safe condition, and it identifies unsafe drivers and vehicles and removes them from service.

We are concerned about the quality of truck inspections, the level of penalties, and the lack of proper inspection facilities in some states. Penalties in some states are excessive and there is agreement by government and industry officials that there is need for a uniform schedule, established and promoted by DOT. Many inspectors have not been properly trained and they frequently write citations when there is no violation. In some locales, local police and sheriff's deputies are given authority to conduct inspections but they do not have the knowledge or attitudes to do a proper inspection. The trucking industry opposes extension of the inspection authority to local officers until the quality of training is measurably improved. In locations where there is not sufficient space, defective vehicles and drivers are apparently being released from the inspection site, rather than being detained in an out-of-service capacity. Congress needs to closely monitor the operational aspects of the MCSAP program and use its influence to assure that the program is practical and effective in achieving the goal of improved truck safety.

Truck Identification

There is still a problem in the trucking industry of identifying vehicles engaged in unsafe practices. As we have pointed out to this Committee previously, every vehicle needs identification so that owners can be notified if a driver is driving unsafely and harassing the motoring public. Carriers with ICC operating authority are required to have ownership identification on their vehicles. In response to a petition from ATA, DOT has proposed similar identification for private carriers. However, it does not have authority to require such identification of other carriers that are exempt from ICC jurisdiction. The Congress needs to remedy this situation and provide such authority to DOT so that all carriers will be subject to Federal identification requirements.

Hours of Service Records

The trucking industry supports hours of service regulations of the DOT, but hours of service record keeping requirements are not practical for all types of truck operations. We support action by Congress to allow motor carriers to use additional types of time record systems to monitor the hours of work of drivers. We do not want such systems mandated. Motor carriers should have the option of selecting the time record system which is both effective for monitoring purposes and practical for their operations. For some, the system might be on-board recorders, for others it might be the current driver daily log, and for still others, there might be a form or system now being developed that would best serve the purpose.

Safety Reviews

Our testimony includes discussion of the DOT safety fitness program. We are encouraged that DOT has employed 150 additional inspectors to conduct "safety reviews". However, there are indications that such "reviews" are not adequate as they are based on interviews with truck operators, rather than audits of records to determine the extent of compliance with the Federal Motor Carrier Safety Regulations. The safety fitness program should be more than a paper program. It needs to have stronger impact to promote regulatory compliance.

State Preemption

As we have reported previously to this Committee, the process of reviewing state regulations to determine which are preempted by Federal requirements is progressing well, considering that the procedure is complex and cumbersome. Congress should direct the DOT to preempt state regulations that are additional to, but not necessarily uniform with Federal requirements. DOT currently promotes such additional state regulations through the wording of the Federal Motor Carrier Safety Regulations.

Occupant Protection

ATA encourages Congress to provide funding to NHTSA to conduct research to improve truck occupant protection, following a plan developed by NHTSA in a study mandated by Congress in Section 217 of the Motor Carrier Safety Act. The number of truck driver fatalities that occur annually could be reduced significantly through research that leads to improved truck occupant protection.

FMCSR Repromulgation

DOT is still involved in repromulgation of the Motor Carrier Safety Regulations. Much of the delay in this effort has been unavoidable on the part of DOT because of the approvals that have had to be obtained before release of proposals and final rules.

A major concern of ATA's is that DOT has proposed only a partial elimination of the Federal commercial zone exemption. If its proposal is adopted, Federal enforcement will still be non-existent in some jurisdictions. In zones that exist in more than one state motor carriers would be confused as to which state's regulations apply to its operations. ATA is seeking legislative action by the Congress to remove the commercial zone exemption because the DOT proposal is inadequate and confusing.

Driver Compliance Data

ATA has frequently urged Congress to provide additional funds to police agencies to increase truck driver compliance with traffic laws. As a result of our interest Congress mandated, and DOT completed a study of the extent of truck driver non-compliance with traffic laws. ATA now urges Congress to mandate "systematic data collection" recommended by NHTSA so that a determination can be made of the need to improve truck driver compliance with traffic laws.

Rehabilitation Act

ATA is concerned about a conflict between DOT driver qualification rules and Department of Labor rules governing discrimination under the Rehabilitation Act. The trucking industry is in the middle on this issue as it cannot hire drivers that are not physically qualified, according to DOT rules, but yet it is subject to penalty under DOL rules. This Committee needs to review this problem and determine if Congressional action is necessary.

In summary, Congressional action has resulted in numerous truck safety programs that are highly effective. However, care must be taken by Congress so that legislative action is not taken on drug testing which would result in impractical, inequitable programs that may also be unconstitutional. Action by Congress is needed to provide DOT authority to require proper identification on all trucks. Congressional action is also needed to remove the commercial zone exemption, to eliminate the requirement for periodic truck inspections, and to provide funding for a Truck Occupant Protection study and collection of data concerning the extent of truck driver compliance with traffic laws. Additionally, Congressional action is needed to improve the administration of the Motor Carrier Safety Assistance program, and to promote improvements in truck brake performance and time record systems.

We commend the members of Congress for their interest in truck safety and their past actions to improve the safety of truck operations. We urge consideration and action on the recommendations made herein by ATA on behalf of the trucking industry.

INTRODUCTION

American Trucking Associations is the national trade association of the trucking industry. Through its 51 affiliated trucking associations located in every state and the District of Columbia, 10 affiliated conferences, and several thousand individual motor carrier members, ATA represents every type and class of motor carrier in the country: for-hire and private; regulated and exempt.

The trucking industry employs 7.4 million Americans and generates annual revenues in excess of $200 billion. Each year 5 million trucks log more than 138 billion miles with an overall safety record that is almost twice as good as that for automobiles. These trucks, operated by more than 230,000 American firms, haul 77% of the dollar value of all freight carried in this country.

ATA's slogan, "Without Trucks, America Stops" speaks to the fact that the American trucking industry provides an essential transportation service to the largest economy in the world. The essentiality of our industry is illustrated by the fact that access to trucking is considered by business to be the second most important factor in deciding where to locate a new plant, ranking behind only cost of property. It is clear that practical business decisions are made in the confidence that truck transportation will be available when needed .

The trucking industry's goal must be to assure that the expectations of business for an efficient, responsible transportation service are well founded and that such service is based on safety of truck operations.

Improved truck safety is good for business and is the primary responsibility of every manager in the trucking business.

ATA and the trucking industry are committed more than ever before to truck safety. We have initiated numerous truck safety programs. In addition, we have advocated and supported government actions to promote motor carrier compliance with regulations; shape the skill, knowledge and attitudes of drivers; and assure that vehicles are built and maintained for maximum safety.

These comments state trucking industry policies on a number of key truck safety issues. They are offered in support of the continuing efforts of Congress to improve the safety of truck transportation in the United States.

I. THE NATIONAL SPEED LIMIT

Support of the 55 MPH National Speed Limit continues, as it has since 1974, to be a critical element in the trucking industry's safety effort.

The 55 mph National Speed Limit:

o Saves lives, reducing truck-related fatalities and injuries;

o Conserves fuel;

o Fosters longer life of vehicles and components; and,

o Reduces splash and spray in wet weather.

A review of the figures published in the Department of Transportation's annual reports, "Accidents of Motor Carriers of Property," clearly shows the safety benefits of 55 to the trucking industry between 1973 and 1985. In that period, fatalities and injuries in truck related accidents were greatly reduced as shown in the chart below.

Benefits of 55mph Speed Limit
Reductions in Truck Related Fatalities/Injuries

	Average Annual Reduction	Total Reductions 1973 - 1985
Fatalities	407	4884
Injuries	6,696	80,532

Effects of Speed on Fuel Consumption and Equipment

Fuel savings and savings in equipment and maintenance costs at 55 have been confirmed by controlled tests conducted under the auspices of The Maintenance Council (TMC) of ATA in the Spring of 1987.

The tests were conducted on level segments of Interstate on which the speed limit had recently been increased to 65. A variety of typical trucking industry equipment was used. Test units were loaded to a gross combination weight in the 65,000 pound range. Both tractor-semitrailers and "twin-trailers" were used. The test program included runs at both 55 and 65. At 55, the average speed was 50.1 mph; at 65, the average speed was 57.1 mph.

The TMC tests confirmed the rule-of-thumb developed in the 1970's - for every 1 mph increase in average speed, there is a 2.2% increase in fuel consumption. In terms of miles-per-gallon, the way most people think of fuel consumption, every 1 mph increase in average speed results in a 0.14 decrease in miles-per-gallon. In a truck fleet with a 6.0 miles-per-gallon average at 55, the fuel consumption rate will drop to 5.02 miles-per-gallon if speed increases to 65.

A 10 mph increase in maximum speed also translates into higher costs related to the life of engines, tires and brakes. Engine manufacturers estimate a 10-15% decrease in mileage to a major overhaul. Both truck and tire manufacturers estimate decreased tread life of 5-16% at 65 mph. Brake manufacturers estimate a 15% decrease in brake lining life at the higher speed.

ATA recognizes that there are complaints from the states about inequities in the Federal program for maintaining compliance with the 55 mph national speed limit. Perhaps there should be changes in the system for monitoring and for imposing sanctions on states, but there should not be any further weakening of the 55 mph national speed limit. It has served this nation well in keeping speeds down and saving lives.

II. DRUG TESTING

The trucking industry shares the national concern over drug abuse. We support drug testing that is

-Legal-

-Constitutional-

-Equitable among drivers-

Substance abuse has not been identified as a significant factor in truck accidents. There is no Federal or State data which identifies a major drug use problem among truck drivers. A privately funded program, that was found to be biased, tested drug use by a small selected group of drives. It found that about 30% had used prescription drugs, over the counter drugs, or illegal drugs. Analysis of the drugs by a medical statistician indicates that possibly 7% of those tested used an illegal substance frequently or recently, or used an Rx drug associated with abuse. A copy of the "Critical Review" of the study is attached to this statement.

We know that if drug usage is a problem throughout our society, then there must be users among the 5.4 million drivers in the trucking industry. We want such abusers off the road for the protection of the public and the protection of other truck drivers. To enhance our ability to detect those users now in our ranks, and to better screen job applicants for drug use, our industry has taken a number of positive actions:

- In December, 1984 we petitioned DOT to adopt a provision under which a driver is deemed medically unqualified to drive if there is evidence of drug use, as opposed to drug dependence. A year and a half later our petition was granted.
- In January, 1987 ATA petitioned DOT to delete the "commercial zone exemption" so that drivers operating in the nation's cities and towns, and their environs would be fully subject to the FMCSR, including prohibitions on drug use;
- Almost two years ago ATA petitioned the Department of Transportation to make drug screening a part of the pre-employment and biennial medical examinations currently required under the FMCSR. DOT has not yet acted on our petition;
- In August, 1986 ATA proposed a specific disqualification period for job applicants and for current employees who

present evidence of drug use, whether such use occurred on or off the job. DOT has not acted on our recommendation;

- We have informed the Attorney General of the State of California after their tremendous effort to clean-up truckstops of drugs, that we support such crackdowns on truck drivers and others who are involved in drug abuse, and other strong measures to eliminate drug use in the trucking industry.

In addition, ATA and its state affiliates have held national, regional, and state programs to promote drug abuse control programs for motor carriers. ATA has developed a drug awareness program to alert truck drivers to the problems of substance use. A number of motor carriers have established drug screening programs.

Periodic and Preemployment Testing

On May 30, 1986, American Trucking Associations petitioned DOT to add a requirement for drug screening to its current medical examination requirements. Although we have been told that the OMC is working on amendments to the current provisions of the Federal Motor Carrier Safety Regulation (FMCSR) dealing with drug use, there has been no action on ATA's petition in almost two years.

On the other hand, OMC Notice 86-3 proposed a requirement for drug screening limited to drivers transporting specified classes of hazardous materials. ATA rejected this proposal as inadequate.

To be effective, requirements for premployment and periodic drug testing must apply to all drivers subject to the FMCSR.

The trucking industry further recommends limiting drug screening to:

- Substances currently referenced in the FMCSR;
- Drugs and other substances listed in Schedule I of the Drug Enforcement Administration's Schedules of Controlled Substances;
- Any other illegal substances which have no accepted medical use and are identified as creating potential safety problems.

Inclusion of substances which have not been shown to degrade safety is not warranted, especially those which are widely used for legitimate medical purposes. Drivers on medication must be able to continue to drive whenever it is determined their medication will not impair the ability to drive safely. Blanket inclusion of additional substances in a drug testing requirement would not provide a safety benefit and would inordinately increase the cost of medical examinations and the time required to evaluate the findings.

While we support requirements for drug screening, it is imperative that such requirements be economically feasible. Checks with local clinics performing medical examinations for motor carriers, and with individual motor carriers, show that the cost of the basic drug screen (urinalysis) ranges from $20 to $36. The cost range for the more sophisticated blood test regimen required to further evaluate an initial "positive" urinalysis is $35-$90.

For an estimated 5.4 million drivers that might become subject to drug screening requirements, the minimum aggregate cost would be $108 million. If we assume that follow-up blood tests would be necessary for 1% of the drivers (54,000) the cost would range from $1,890,000 to $4,860,000.

To require drug testing more frequently than every two years would be prohibitively expensive and would not offer a significant safety benefit.

Testing for Reasonable Suspicion

Generally, Federal, State and local truck safety officials have the authority to require drug testing of a truck driver if there is "reasonable suspicion" to believe that the driver is impaired by drug use.

ATA supports testing for "reasonable suspicion" including testing following the involvement of a truck driver in an accident if there is "reasonable suspicion" to believe that the driver was drug-impaired.

ATA supports a requirement for drug testing for "reasonable suspicion" for the authorities and for motor carrier management.

Post-Accident Testing

There should be drug testing following a truck accident only if there is "reasonable suspicion" that the truck driver involved in the accident is impaired by drugs. Otherwise there will be a waste of time, money, and manpower to test for drugs after every accident when there was no indication that the driver was adversely affected by drugs or alcohol.

The apparently low incidence of drug use in truck accidents clearly indicates that mandatory post-accident drug testing would be impractical and an unnecessary burden on drivers and motor carriers alike.

Such burdens include the cost of transporting the driver to and from the test site, additional delay of the driver and vehicle, the time and mileage cost for the official(s) transporting the driver to and from the test. There would be additional problems in arranging a safe location for the vehicle (other than at the side of road), and in protecting the cargo from theft, spoilage or other loss.

Mandatory post-accident drug testing wrongfully implies that the truck driver is at fault in every accident. Such is not the case. A study done by the University of Michigan Transportation Research Institute for the American Automobile Association Foundation for Traffic Safety showed that, in accidents involving cars and tractor-trailers, the car driver was found to be at fault three times as often as the tractor-trailer driver.

If there is to be mandatory post-accident drug testing, justice demands that it apply to all drivers - cars and trucks alike.

Mandatory Random Testing

Drug testing of truck drivers is essential to assure the safety of the motoring public and other commercial drivers. Random drug testing is desirable for commercial drivers in a pilot program of roadside testing to determine if such testing is practical and if all truck drivers will be subject to random testing, and not just those that work for motor carriers.

Proponents of random testing state that such testing is the most effective method of deterring drug use in the work place, as long as the selection procedure is truly random. Yet, truly random drug testing is not possible in the trucking industry because the majority of truck drivers are self employed, or are employed by small motor carriers.

Of an estimated 230,000 interstate motor carriers approximately 190,000 have fewer than six drivers. Most carriers have only one or two drivers. It is not possible for a person to do random drug testing on themselves. Yet that would be the requirement for an owner operator or independent driver if random drug testing is mandated. It is doubtful that the small employer would engage in random drug testing or that the requirement could be enforced for such carriers.

The larger motor carriers would engage in a program of random drug testing as mandated by the law but the majority of truck drivers would not be subject to such programs. The "random testing" would therefore be highly discriminatory. Moreover, drivers of truckload vehicles may visit a company location infrequently. These drivers are in daily contact with the company only by telephone. It is not feasible to impose a test randomly when the driver is hundreds of miles from a company facility.

In the meantime, we support a pilot program to determine if roadside drug testing could be a practical method of random drug testing. The Department of Transportation should be required to conduct a pilot program of roadside drug testing and to reassess its position on random drug testing after it has examined the results of its pilot program.

Drug Rehabilitation

Motor carriers generally provide time and job security for employees who are "hooked" on drugs and who *voluntarily* report that they have a problem and seek professional assistance to cure their addiction. Motor carriers do not, however, have the funds or capability to pay the costs of rehabilitation for drivers unwilling to admit their problem and so they *oppose a mandate* that they provide rehabilitation for employees addicted to drugs.

III. THE COMMERCIAL ZONE EXEMPTION

The commercial zone exemption is a safety anachronism whose time has run out. Continuation of this exemption results in the nation's towns and cities serving as a potential dumping ground for unqualified and unfit truck drivers and unsafe trucks.

Drivers and vehicles operating wholly within the exempt commercial zone do not have to comply with most of the Federal Motor Carrier Safety Regulations, including requirements governing:

- Vehicle inspection and maintenance ;
- Parts and accessories on vehicles;
- Driving rules;
- Driver qualifications, including
  - pre-employment and biennial physicals
  - checks of past employment and driving records
  - road tests and tests of safety knowledge
  - driver performance records
  - provisions for disqualification of unfit drivers

It is detrimental to highway safety to continue to allow vehicles to operate in interstate commerce, wholly within commercial zones, totally free from the need to comply with the FMCSR when these commercial zone vehicles operate in an environment of high speed and congested traffic.

ATA has sought action by Congress and by DOT to eliminate the commercial zone exemption. The only action by DOT has been a proposal which would create so much confusion that the trucking industry could not possibly support it. On the other hand, S. 861 would eliminate the commercial zone safety exemption. The provisions of S. 861 are exactly what the trucking industry and government officials need to promote truck safety in commercial zones. It has been passed by the Senate and we advocate its passage by the House as quickly as possible.

IV. HAZARDS OF OVERWEIGHT CONTAINERS

Every year, thousands of overweight ocean containers enter this country at our seaports. Their operation over the highway to destinations throughout the country poses numerous hazards to the American motoring public. The motor carrier usually has no way of knowing that containers are overweight because they are not scaled before being tendered to the carrier and accompanying documentation is often inadequate.

These containers are being moved on power units and chassis which have been built to safely transport legal loads. When consistently called upon to handle overloads, as is often the case, the structural integrity of the equipment and the ability of drivers to handle it safely are inevitably compromised.

Brakes

As we have noted elsewhere in our testimony brake defects and brake maladjustment are the most frequent causes for vehicles to be placed out of service at roadside inspections. There is good reason to remove vehicles with defective brakes from the highway. To the extent that they are not detected, the hazards of operating them are exacerbated by overloading.

In its "Heavy Truck Safety Study" (March, 1987), the National Highway Traffic Safety Administration (NHTSA) concluded that, "....truck brake systems have a great deal more capacity than is required to make most routine stops. . ."

This capacity is quickly eaten up by overloading. When overloaded containers are being transported, stopping distances are likely to be increased even under normal conditions. Because of overloading, brakes will overheat more quickly in hilly or mountainous terrain and drivers are more likely to lose control of their vehicles on long downgrades and be involved in accidents. Lacking knowledge of the overloading, drivers would not even be able to compensate for the problem by using lower gears than normal during the descent.

Tires

Overloading is one of the most frequent causes of tire failure. In its summaries of truck accidents, DOT has consistently identified the category, "Tires and Wheels" as the second most frequent cause of accidents attributable to mechanical defects. While it cannot be documented, it is certain that tire failure accounts for the lion's share of this statistic, although overloading also places undue strain on wheels and their associated ~~parts.~~

Tires have a finite capacity and will fail prematurely if that capacity is exceeded. Furthermore, operating a vehicle whose weight exce~~eds the capac~~ity of its tires is a violation of the Federal Motor Carriers Safety Regulations (FMCSR), in addition to any violation of Federal or State weight limits that may exist.

Container Chassis

ATA has had many complaints from member-carriers regarding the unsafe condition of container chassis they are called upon to transport. When an unsafe container chassis is detected at a roadside inspection, it is the motor carrier that must unfairly bear the penalty, and who must arrange for repairs if the chassis is declared "Out of Service."

In many cases, the nature of a defect may be such that the driver cannot detect it in the course of the normal pre-trip inspection. If the driver does detect a problem, it may be impossible to get repairs made at that time. The driver may be pressured to take the container from the port area without further delay.

The situation is unfair to the motor carrier and driver from the standpoint of hazard and possible penalties.

It jeopardizes the safety of the truck driver and the public, alike.

The Solution

1. Congressional action may be needed to require that containers be weighed before leaving the port area to determine that they are in compliance with axle weight limits and with gross weight limits as determined by the applicable bridge formula.

2. Legislation may be necessary to require that overweight containers be stripped and reloaded to comply with vehicle weight limits before leaving the port area.

3. Because the owners of container chassis are not, themselves, motor carriers, they are not subject to the FMCSR. Our industry's experience with these chassis indicates the need to extend this proven body of regulations to the owners of the equipment. The trucking industry can no longer sustain the economic burden of penalties for violations. Our carriers should not be called upon to continue to shoulder the legal and moral obligation to maintain other people's equipment in safe operating condition, except of course, for those faults that develop when the chassis is in the custody of the motor carrier.

The public should no longer be subject to the hazards inherent in the operation of overloaded and unsafe equipment.

The trucking industry and shippers of containers are working to resolve these problems. If they are not successful legislative action may be needed to extend the applicability of the Federal Motor Carrier Safety Regulations to the owners of these container chassis.

V. ON-BOARD RECORDERS AND TIME RECORDS

The trucking industry has had nearly 50 years of experience with the Federal hours of service regulations. We have found that present limits afford adequate protection from fatigue and give protection to professional truck drivers and the public from accidents due to fatigue.

In numerous comments previously submitted in response to rulemaking proposals we have acknowledged the importance of reasonable and practical record keeping requirements to afford control of driver hours of work and to permit monitoring of compliance by the regulatory agencies.

ATA has long advocated greater flexibility by the Department of Transportation in the types of record-keeping systems that could be authorized for monitoring hours of service. We fully supported the Office of Motor Carriers (OMC) in granting one carrier the authorization to conduct a test program using on-board recorders in lieu of drivers' logs. We are pleased that OMC is now proposing to allow all motor carriers the opportunity to use on-board recorders, without having to individually petition for authority to do so. While on-board recorders are proving effective in many truck operations, the diversity of the trucking industry is so great that there can be no assurance that they can be used effectively and efficiently in other operations.

We strongly oppose a mandated use of on-board recorders by all motor carriers, but we support the provisions of S. 861 which direct DOT to initiate rulemaking on the need to adopt methods for improving truck drivers' compliance with hours of service regulations, including vehicle onboard monitoring devices.

ATA has long advocated a program of research and development by DOT to determine the various types of time records that might be used as alternatives for the current requirements for driver logs, and to determine the practicality and potential effectiveness of each. Such research and development can lead to time record systems that are practical for a variety of carriers rather than continue the present program which limits them to one or two systems that might be optimally suitable for only a limited number of carriers. We believe that S. 861 will result in such research and development and so we urge its passage by the House as quickly as possible.

VI. COMMERCIAL DRIVER LICENSE PROGRAM

ATA's objective for many years has been to get bad truck drivers off of the road. A major obstacle to this objective has been the state driver license programs which have allowed unqualified and unsafe drivers to continue operating commercial vehicles, jeopardizing the driving public and other truck drivers.

ATA urged Congress to help resolve these problems, and Congress responded by passing the Commercial Driver License (CDL) provisions of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA).

ATA has adopted industry standards for hiring and testing drivers. We support the one driver/one license program of the American Association of Motor Vehicle Administrators (AAMVA), and we supported the adoption of Federal driver qualification requirements.

ATA has actively supported implementation of the Commercial Motor Vehicle Safety Act of 1986 by working cooperatively with the Federal government, state agencies and motor carriers. We are also working cooperatively in the development of model legislation which the states can adopt to enable them to implement the Act's provisions. To increase compliance with the new rules, ATA has helped publicize various features of the Act, such as the single license requirement.

The Department of Transportation (DOT) is to be commended on its efforts to implement this valuable legislation on time. Recently, the Federal Highway Administration began its process of implementing the second phase of the Act's provisions by proposing commercial driver testing and licensing standards. In general, these proposed standards are practical and reflect the many hours and days of unified effort by the Federal government, states agencies, and industry to improve the system for licensing commercial drivers and for monitoring the driving records of such drivers. There is, however, concern or disagreement with certain areas of the recently proposed licensing rules and future provisions of the CMVSA of 1986.

Need for Uniformity

FHWA has proposed three alternative proposals for implementing the CDL program:

1. Each state would be allowed to develop its own program, which FHWA must approve;

2. Each state would have to adopt a program meeting

minimum standards established by FHWA, but would be allowed to add additional features; and

3. Each state would be able to choose between either of the two main alternatives.

In the interest of uniformity, ATA supports the second proposal in which each state would implement a CDL program meeting minimum Federal standards. With this type of program drivers, motor carriers, and enforcement agencies would know that persons within a given license class have met prescribed requirements. ATA has also urged FHWA to discourage states from deviating from the Federal standards by adopting more stringent tests or additional vehicle classifications which would destroy uniformity.

Applicability of License Requirements

It is our understanding that certain groups which operate heavy trucks such as farmers and firemen, are seeking exemptions from the commercial driver license requirements. ATA opposes such exemptions. If exemptions are granted the effectiveness of the commercial driver license program will be jeopardized.

There are some who advocate that commercial driver licensing requirements should be applicable to drivers of all commercial vehicles weighing more than 10,000 lbs. GVWR and to drivers who transport ~~hazardous~~ materials in any quantity. ATA agrees with the recent FHWA proposal to limit applicability to drivers of vehicles over 26,000 lbs. GVWR and those operating hazardous materials laden vehicles requiring placarding.

The provisions should not apply to drivers who transport hazardous materials in small quantities in the furtherance of their particular business, such as plumbing or air conditioning. Not tying the provisions to placarding would subject tens of thousands of tradesmen to the requirements who use and transport non-placardable amounts or types of hazardous materials. The result would create an uproar and complaints to Congress by plumbers, carpenters, and electricians similar to that which occurred when FHWA imposed driver qualification rules on these persons in the early 1970's. These occupations were quickly exempted. We believe it is not the intent of Congress to impose an undue burden on these drivers.

The majority of interest groups, the Federal government, state governments and the private sector, are in agreement with our position.

Classes of Licenses

ATA agrees with FHWA in its recent proposal to create three basic classes of vehicles for driver licensing purposes: combination vehicles, heavy straight trucks, and small vehicles (for drivers of placardable hazardous laden vehicles under 26,001 pounds GVWR). However, FHWA is proposing that special skill tests be required for operators of the small commercial vehicles used to transport hazardous materials. ATA does not agree. A person already licensed to operate such a vehicle should not be required to undergo a driving test on the basis that hazardous materials will be transported. The person should, however, be required to take a hazardous materials knowledge test as proposed by FHWA. The presence of the hazardous materials does not change the nature of the vehicle and its handling characteristics and so skill testing is not justified.

ATA, and others believe that since tractor semitrailers and twin trailer units are comparable in size, weight and handling characteristics there should not be a separate class of licensing for each of these vehicle types. However, there are advocates for testing a driver's ability to handle a truck under extreme operating conditions. For example, some advocate testing drivers of tank trucks and twin-trailer units in a manner to make them unstable, to see if the driver can handle an unstable vehicle. ATA believes that this is a totally impractical concept for testing. Driver license testing currently does not include operation of the vehicle under extreme conditions. Few driver licensing examiners are willing to be exposed to the risk of an accident resulting from such testing. In addition, few insurance companies will provide insurance for such an examiner. The more practical approach is to test a driver's knowledge of the operating characteristics of a vehicle and knowledge of action to take to avoid an accident if a vehicle becomes unstable.

If the commercial driver license classes subject to the provisions of the Commercial Motor Vehicle Act of 1986 are limited to heavy straight trucks and heavy combination vehicles the licensing program will be more practical and will not overburden the licensing agencies.

Driver License Testing

Federal standards for testing and to ensure driver fitness are expected to include written tests, driving tests, physical examinations, and tests on hazardous materials transportation. The specifics of the tests to be administered were the subject of a recent FHWA rulemaking. FHWA has proposed giving states the leeway to accept certain combinations of experience and good driving records in lieu of administering the driving test to drivers currently in-service. A grandfather provision is essential because implementation of the CDL program in the states will impose a significant workload on licensing agencies for processing and issuing new licenses to current drivers. The workload must be kept in bounds by minimizing the need to administer skill tests to this group. Such tests are the most time consuming phase of the program.

Another method to reduce the burden on licensing agencies is to allow third-party testing of drivers. FHWA has proposed such a provision that is generally adequate, but perhaps too stringent in some cases. ATA feels that third-parties should be allowed to also administer knowledge tests rather than just skill tests as FHWA has proposed. The rule should be written to provide for a Federal training standard which would assure uniformity in the quality of third-party testing from state to state and allow qualified individuals to administer tests in more than one state.

An additional question revolves around the extent of hazardous materials testing. A driver who has successfully passed a driving test should not have to take a special driving test to qualify for hazardous materials transportation. ATA believes that written examinations can provide a good measure of hazardous materials knowledge. Endorsements based on knowledge tests should be shown on classified licenses of commercial drivers to certify that an individual knows safety procedures and regulatory requirements applicable to the transportation of hazardous materials.

Identifiers/Single Licenses

If the Commercial Driver's License program is to be effective, there must be a means of assuring that each individual license holder is properly identified and cannot falsify identity to obtain additional licenses. Without a unique identifier the program cannot be totally successful. FHWA has proposed the use of social security numbers as the identifier. ATA does not feel that such an identifier is adequate for licensing purposes because individuals who wish to cheat on the system can counterfeit social security cards or numbers and they can use social security identification of friends, relatives or other persons living or dead.

The National Driver Register apparently has identified a high percentage of persons who have attempted to falsify identification for the purpose of obtaining additional licenses after having a license suspended or revoked. We do not believe that the NDR experience in dealing with the general motoring public will be the same as dealing with commercial licenses. Unscrupulous commercial drivers seeking to falsify identification to obtain additional commercial licenses will be willing to pay a premium to continue driving. These are precisely the drivers that should be kept out of commercial vehicles. The Commercial Driver License requirements must include a provision for unique identifiers in order to defeat the efforts of the criminal element that will be willing to provide falsified identification to commercial truck drivers who are willing to pay the price.

Given the importance of the identifier to the success of the

Commercial Driver's License program, ATA believes that DOT should provide leadership and an expedited program for utilization of a biometric identifier. Such an identifier establishes a truly unique identity for each person. A person's particular biological trait can be electronically coded and imprinted on the license and stored in the central driver license system file.

The restriction of commercial drivers to a single license went into effect on July 1, 1987. DOT and the states deserve recognition for the comprehensive monitoring programs which have been established to enforce the restriction and detect those drivers who have not turned in extra licenses and continue to have multiple licensing. Driver license records of particular states are checked against a master list to determine if commercial drivers in the state are licensed also in other states. Inspectors at roadside points are making a more careful check of documents to determine if there is license falsification and multiple licensing.

While numerous instances of multiple licensing have been detected through these programs, it is not known how many drivers with falsified identity and multiple licenses have escaped detection. These special emphasis programs are effective as stop gap measures, but they are costly in manpower and funding. They cannot take the place of carefully structured programs which use unique identifiers.

If DOT does not quickly establish a program for utilization of effective identifiers, commercial drivers will continue to falsify their license applications and spread their driving violations among several licenses.

There are currently six different types of unique identifier systems available ranging from fingerprinting to voice identifiers. For the purposes of licensing identification, ATA is convinced that retinal eye scanning has significant advantages over other biometric identifiers. Retinal eye scanning involves computerized "photographing" of an individual's unique retinal blood vessel pattern which can be transmitted electronically. By incorporating an individual's pattern on a magnetic strip license, law enforcement officials can use portable eye scanners to verify driver identification in the field.

We realize that FHWA is sponsoring research on biometric identifiers and their use in the licensing system. However, for the sake of a successful commercial driver licensing program, FHWA should commit now to the use of a biometric identifier as soon as it can be implemented and be more proactive for the use of unique identifiers.

Other recent FHWA proposals include provisions for the issuance of a Commercial Driver Certificate (CDC) in lieu of a CDL to a driver who resides in a state that does not implement the CDL program. As devised by FHWA, the CDC program would require that drivers living in a non-conforming state obtain a basic license from the state of residence and a CDL from another state that has a CDL program. The industry feels that this procedure would result in drivers developing multiple driving records. As an alternative, ATA suggests that drivers living in non-conforming states be required to obtain a CDC in a conforming state. The driver's state of residence would have to accept the CDL as a valid license for both personal and occupational use.

Information Systems

Future provisions of the CMVSA of 1986 call for the establishment of an information center or clearinghouse by January 1, 1989 to identify persons who have a commercial driver license or who have had a license suspended or revoked, or are otherwise disqualified from driving.

This system will allow states to effectively transfer violations and license status data from one state to another, creating one complete driving performance record for each truck driver.

The clearinghouse is only to serve as a pointer system, indicating where a particular driver is licensed, whether the driver's license is current and whether he/she has been disqualified. The system will direct prospective employers to the driver's state of licensure so that a complete driving record can be obtained from that state. However, there appears to be a movement to require employers or prospective employers to make initial requests for information (license status and state of license issuance) through state agencies rather than directly through the Secretary or operator of the information system, as provided by the Act.

In the past, some states have been less than cooperative in furnishing driver record information to employers. It is in the best interest of the motoring public as well as employers, that information that is contained in the clearinghouse be readily available to employers. They must have direct access to the information through the operator of the system. The Act does not require employers to access the system through individual state agencies. Such a procedure would be cumbersome for both carriers and state licensing agencies. Employers should only have to obtain the detailed driving record from the one state where the driver is licensed.

If driver license records are to improve there must be improved communications between the states provided for in the commercial driver's license legislation. In the past, there has been very limited exchange of traffic violations among the states. Most of the violation information exchanges were the more serious violations. For the future the trucking industry needs to know about all traffic violations, not just those which are considered serious. Employers need to know if drivers are developing bad habits of committing moving violations, so that determinations can be made of when a driver needs to be retrained, disciplined or terminated. DOT must look into this issue and assure the effectiveness of the improved communication system mandated by Congress.

VII. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

The Motor Carrier Safety Assistance Program is one of the most effective mechanisms for improving commercial vehicle safety ever mandated by the Congress. A key element to the program's success is uniform application of federally promulgated regulations in every participating state.

It focuses on inspection of drivers, vehicles and loads to assure that they are in safe operating condition. The program is most effective when inspectors use the "look and listen" method of selecting vehicles and drivers for inspection. If a vehicle or its driver looks or sounds bad, an in-depth inspection is made. If drivers and vehicles appear to be in safe condition they are not as likely to be inspected. This system results in a high percentage of vehicles and drivers placed out of service because they looked or sounded bad in the first place. However, it gives the impression that most trucks and drivers are defective resulting in a bad public image for the trucking industry. Yet the "look and listen" selection system is highly efficient in the use of manpower and funds and in getting unsafe drivers and vehicles off the road, and so the trucking industry gives it full support.

The increased funding for MCSAP provided by the Commercial Motor Vehicle Safety Act of 1986 has increased the program's effectiveness. The Congress is to be congratulated for providing such funding. We understand that the total number of inspections resulting from the program increased to more than 1,140,000 in fiscal 1987 and that it is expected to increase even further in 1988. This means that those in the trucking industry who take short cuts on safety have a greater liklihood of being detected and placed out of service. It also means that there is a reduced potential for truck accidents caused by defective drivers, defective vehicles, or unsafe loads. In addition, the motoring public is safer sharing the highways with trucks.

We urge the Congress to keep in mind the tremendous benefits of MCSAP and of its continuing need for funding so that the states can maintain effective commercial vehicle safety programs, secure in the knowledge that program funding will not suddenly come to a halt.

As with any program of this scope and magnitude, it is not completely free of problems. One is that penalties imposed by states for safety violations vary greatly. In some states, the penalties imposed are too heavy for the nature of the violation. As an example, Maryland imposes a penalty of $1,000 for a violation of the Federal regulations, no matter how minor the infraction might be. In one jurisdiction, a wire accidently pulled out of a light assembly resulted in fines totaling $1000. This situation can be remedied if the Federal government promotes a scale of penalties which will assure equity and uniformity from state to state. At the present time, there are many persons in the trucking industry who have received unfair penalties and who therefore perceive the program as simply a money making scheme of the state governments. A Federal schedule would, for the most part, eliminate this perception and assure that the program is equitable, has a good image, and retains industry support.

Many carriers have also complained that all too often, inspectors seem to focus on easily detected violations, such as being 1/2 hour beyond the 10 hour tour of duty allowed by the hours of service, and fail to cite violations which may be more difficult to determine but which may be more serious. We feel inspections should focus on compliance with requirements for critical items... those which are more likely to result in an accident if there is a defect or violation.

Another concern with MCSAP is that there is a shortage of working space for inspectors in some states. We understand that at some inspection locations, the available space is limited for parking vehicles when they, or their drivers, are placed out of service. As a result, it seems that some vehicles and drivers are released by the inspectors when they should be placed out of service. This practice is contrary to the intent of MCSAP. We urge Congress to require the states to improve their inspection facilities.

VIII. SAFETY FITNESS OF MOTOR CARRIERS

ATA in its September 16, 1987 statement to this Committee, urged Congress to amend the Motor Carrier Safety Act of 1984 to establish a sanction for carriers found to be unfit which are not subject to sanctions of the Interstate Commerce Commission (ICC).

The DOT has proposed rules governing its Safety Fitness Program. The proposal provides that motor carriers subject to ICC authority will lose their certificates, or be denied certificates, if they are found by DOT to be unfit. There is no comparable sanction for carriers found to be unfit which are not subject to ICC authority. It is important that all carriers be treated equally with regard to certification of safety fitness and sanctions. For this reason we again urge Congress to amend the Act to establish a sanction for motor carriers found to be unfit which are not subject to sanctions of the ICC.

The DOT safety fitness certification for all motor carriers is mandated by Section 215 of the Motor Carrier Safety Act of 1984. Carriers are to receive a rating reflecting their degree of compliance with the Federal Motor Carrier Safety Regulations.

To carry out this program, the Department of Transportation has employed 150 additional safety inspectors to greatly increase its capability to issue safety ratings. Initial contacts have been made with a large number of carriers and "safety reviews" have been performed and safety ratings issued. The safety review is basically an interview to determine a carrier's level of compliance with safety regulations. Only a small amount of auditing of records is performed. In order to rate a maximum number of carriers, in-depth audits of a carrier's records are only performed as a follow-up to an initial adverse rating or when unusually high levels of noncompliance are suspected. There is some doubt about the effectiveness of the "safety reviews" because they do not actually involve inspections and record audits.

Although DOT has apparently revised its safety rating procedure, it has not issued a final rule to formally define the program. ATA filed extensive comments to DOT's proposed rule in September of 1986. We urge DOT to promptly issue a final rule for safety fitness determinations.

ATA has supported the principles contained in DOT's rulemaking proposal to establish an effective and efficient safety fitness program. We have stated that the essential elements of an effective program must be:

- An accelerated program to identify unsafe carriers;
- The issuance of a rating upon the completion of the initial visit by DOT safety specialists;
- Initial emphasis on remedial, rather than punitive action to bring unsafe carriers up to acceptable standards;
- Adequate consideration of "due process" in requiring a carrier to cease operations;
- Provision for appropriate safety controls for new carriers without unduly hindering entry; and
- Revision of information on the nature of the carrier's operation to facilitate cross-checking for compliance with financial responsibility requirements.

The inclusion of procedures to afford carriers due process is of particular concern to ATA. The consequences of an adverse rating, i.e., a rating less than "satisfactory" can be extremely detrimental to a carrier's business. Thus the need to provide carriers with due process safeguards is not only fundamental, it is of paramount importance.

Carriers should be apprised of their ratings and should have a full and fair opportunity to appeal adverse ratings before they are made available to the general public.

To help carriers comply with the FMCSRs, ATA has developed its own safety fitness audit program. Safety auditors are currently being recruited to provide a service to carriers wishing to have their safety operations reviewed. This program will follow the current DOT review program but will allocate more time to actual auditing of records. Rather than issuing a rating, our auditors will inform carriers of specific areas of noncompliance and make recommendations for improvements. This service will also better prepare carriers for the DOT Safety Review.

IX. IMPROVEMENT OF TRUCK BRAKE PERFORMANCE

In any discussion of truck brakes there are comments which imply that brake defects are the major cause of truck related accidents. This is not the case. Today's trucks are being built with adequate, safe brakes. There are hundreds of millions of truck brake applications daily that bring trucks to a safe stop. Brake problems are not the major cause of truck related accidents.

At roadside inspections, however, truck brake defects are the major cause of trucks being placed out of service. There are also problems of brake compatability between tractors and semitrailers, old vehicles and new vehicles, and original parts and replacement parts. It's obvious that there is room for improvement in truck brake components and systems and so ATA wholeheartedly supports Congressional action to improve truck braking performance.

It is extremely important to answer the question of what is needed before redesigning today's truck brakes. The immediate need is for action that will improve the performance of today's' brakes on today's trucks. This is now being accomplished partially through the increased roadside inspection by government agencies of vehicles in service and removal of those which have brake defects and deficiencies. It is ongoing, also, because of the recent mandate by Congress and DOT that all trucks built after July, 1980 must have operative front axle brakes. The roadside inspection program and the front brake requirement will result in significant improvements in the stopping distances of trucks in use. ATA provided strong support for the roadside inspection program and for the requirement that front axle brakes must be operative.

The truck brake problems that must be resolved are:

- brake adjustment and maintenance
- identification and performance of valves and linings;
- compatibility of tractors and trailers, and of new vehicles coupled to older vehicles;
- brake timing
- variations in brake capacity according to loaded or empty condition, and according to length and severity of grades; and
- stopping distances.

The foremost problem is that of maintenance, as evidenced by the number of trucks placed out of service at roadside inspection points because of brake defects and brake adjustment problems.

Proper maintenance is made more difficult because it is frequently impossible to identify and match replacement valves and linings with original equipment. Even when matched by model number, they may have different operating characteristics than the original components, even though they supposedly are manufactured to the same specifications. These differences can affect stopping distances and vehicle control.

The differences in braking capabilities of tractors and trailers create another problem of truck braking performance. Brakes may apply or release sooner on tractors than on trailers. The problem is compounded by lack of compatibility of braking capabilities of older vehicles and new vehicles when coupled to each other. Brakes on one or the other may be less aggressive, causing an imbalance in braking performance. These differences cause an instability in the vehicle during severe brake applications.

Another problem of brake performance between vehicles, and from axle to axle on the same vehicle, results from the timing of brake applications throughout the system. If brake timing is unbalanced, the delayed application of brakes on some axles can result in transfer of forces from one point in the vehicle to another and cause problems of steering and stability.

Truck brake performance is adversely affected because brakes must be built to handle vehicle weights in the range from empty weight to full gross vehicle weight. Brakes that perform well under the fully loaded vehicle condition may provide too much braking force when the vehicle is empty. The variation in brake performance also occurs from axle to axle, according to weight distribution of the load transported by the vehicle.

In a discussion of truck brake capacity, the National Highway Traffic Safety Administration (NHTSA) points out in its "Heavy Truck Safety Study" (March, 1987) that truck brake systems have a great deal more capacity than is required to make most routine stops and that "problems only arise when the vehicle has to make a brake application that results in wheel lockup or while negotiating steep downgrades."

According to NHTSA, another brake problem for trucks is inadequate capacity in continuous or repeated braking situations. When descending a grade truck drivers must frequently rely on a combination of gears and braking effort to avoid a runaway. On certain long steep grades brakes alone cannot keep the vehicle under control because a buildup of excessive heat will result in brake fade and loss of braking capability.

The problem of wheel lockup relates to panic stops. The vast majority of stops require less than full output of the brake system. An extremely short panic stop may be needed if the driver allows things to go too far before taking corrective action. Data is needed before a true assessment can be made of the safety impact of reducing the panic stopping distance of trucks. A reduction in stopping distance of 55 to 60 feet in a panic stop would be difficult to achieve from 60 mph. Would it be significant? Would it reduce accidents?

The trade-off for shorter panic stops is that new brake systems will have more parts and require additional, more sophisticated maintenance, which is undesirable. Need must be determined to avoid greatly increasing the complexity of the brake system.

Solutions to the Problems

The solution for shorter panic stops is not necessarily the same or best solution for problems of maintenance, compatibility, timing, parts identification, etc. For example, critics of today's truck brakes claim that the biggest problem is maintenance. If that is true, then making them more complicated will make maintenance more difficult.

> According to NHTSA, "while optimum limit performance capability is obviously a desirable feature to have in an accident avoidance situation, these conditions are, hopefully, rarely faced if the vehicle is driven prudently. Thus, the more pressing objectives to be met in brake design are to provide systems which are reliable, durable, comparatively inexpensive, easily maintained, and which function well in routine stopping situations. The systems that have evolved meet most of the objectives fairly well."

Brake lining identification is so important to safety that on August 11, 1987, ATA petitioned the National Highway Traffic Safety Administration for a Federal Motor Vehicle Safety Standard requiring both the rating and permanent marking of brake lining friction. Many private sector activities are taking place relative to this topic, however real progress has been stymied because manufacturers seeking to use ratings and markings are concerned that they will be left at a pricing disadvantage in the marketplace. Regulation is needed to assure that every marketer of lining uses the same rating and marking standard and that each complies.

With improvement of today's brakes on today's trucks the second course of action that must be taken is to modify and improve the current braking system with new brake technology. Brake adjustment indicators are needed so that mechanics and safety inspectors can readily determine if brakes need adjustment. Automatic brake adjusting devices are on the market today, but they need improvement so that they will be reliable and last as long as the brakes. Otherwise, they simply add another cost factor and maintenance problem for motor carriers.

There must be improvement of braking compatibility between tractor and trailers. The starting point for this is in the design and manufacture of their respective brake systems so that when they are mated for use on the highways they will complement each other, rather than operate at different levels of braking efficiency and timing.

Anti-lock Systems

Improved brake performance under varying weight and loading conditions, and a variety of road and weather conditions can probably best be attained through the use of anti-lock brake systems. The general perception seems to be that the trucking industry is opposed to anti-lock, but such is not the case. Industry opposition to anti-lock in the 1970s was because the system was not fail-safe. It was unproven, and during its existence from 1975 to 1979, the trucking industry experienced the greatest and most expensive episode of brake failures that it has ever encountered.

One of the problems with anti-lock brake systems was failure of the electronics that activated the brakes. In an effort to help overcome the problem, ATA has been chairing activities within the Society of Automotive Engineers since the late 1970s to define the environment in which electronic equipment must be designed to survive and function satisfactorily on a truck. While nearing completion, that work still remains unfinished.

Work still remains to be done, also, on anti-lock systems. There are now systems in the market which hold promise for this technology but they are yet unproven as they have been offered for only a short time.

This new equipment costs roughly $1200 per axle or $6000 for a five axle combination like a tractor-semitrailer. Early results from fleets experimenting with this equipment are encouraging. However, while the electronics equipment seems better, some old problems remain.

DOT has just started a million dollar program to check the effectiveness and reliability of the present generation of antilock equipment. This work involves proving ground demonstrations of the capabilities of the systems now being offered and will entail a two year in-fleet test to see how the equipment fares in the "real-world" of trucking in the United States. We are pleased that the manufacturers agree with ATA's position that mandating antilock at this time would be counterproductive. They, like us, believe the marketplace is the best arena for antilock brakes to prove themselves effective.

In Western Europe, about 45,000 of 600,000 trucks are equipped with antilock brakes. There is no requirement that vehicles must be equipped with antilock. At a symposium of the Organization for Economic Cooperation and Development, in April, 1987, speakers from the International Organization of Motor Vehicle Manufacturers and the International Road Transport Union described programs in Europe to improve truck brakes. In their remarks they discouraged regulations mandating antilock brake systems in view of system costs, reliability factors, and the need to develop design solutions to current problems.

DOT is monitoring the progress of antilock systems in Europe, in addition to conducting its own research and experiments. The European experience will provide information to DOT that is based on different operating conditions and lower vehicle mileages than those of American trucks and so the use of such information in decisions affecting U. S. trucking must be considered in that regard.

The present European systems still have problems of electronic failure and glazing of linings resulting from the on/off cycling action of the anti-lock system. An article titled "Fail Safe or Fail Dead" in the February 1988 issue of an English publication "Transport Engineer" spells out these problems. A copy of the article is attached. Some of the problems of maintaining anti-lock brakes are resolved in Europe by farming out work on anti-lock systems to a manufacturers' service network or to independent agents. By comparison American carriers generally perform their own maintenance and do not have specialized capabilities for handling complex electronic brake systems. Yet if maintenance is not properly performed the potential for electronic failure of the anti-lock system is greatly increased.

Brake Research and Testing

ATA will support the government activity for testing and improvement of anti-lock systems. In fact, at the present time government and industry are cooperating in identifying a variety of truck brake problems and practical solutions to those problems. Industry has formed the Truck Trailer Brake Research Group (TTBRG) which is currently engaged in truck brake research and testing. It is involved in brake improvement programs such as emergency adjustment procedures, standardized trailer plumbing, computerized brake balance diagnostic system, compatibility performance guidelines, brake chamber stroke indicator, brake lining cross reference, method to rate lining/brake effectiveness, and lining edge code and marking.

TTBRG is in constant contact with government officials at NHTSA and at the DOT test facility in Ohio concerning their findings and recommendations for improved truck braking performance.

Heavy Truck Safety Study

The industry has studied the truck brake research plans set forth by NHTSA in its Heavy Truck Safety Study. The study was conducted in response to a mandate in Section 216 of the Truck Safety Act of 1984. Congress instructed DOT to look at several things including truck braking and report on its findings.

We believe DOT conducted an excellent study and support the conclusions in the final report. The agenda for brake research and rulemaking presents a three phase program which should be funded and made the principle DOT truck brake activity until it is complete. This work is not something which can be finished overnight, in a year or even in five years as it addresses not only today's immediate concerns but also integration of advanced concepts into today's and tomorrow's fleets.

The American taxpayer got his money's worth in the Section 216 study. The action needed now is implementation of the NHTSA program.

Rulemaking which mandates truck brake requirements at this stage is undesireable. If rulemaking is initiated by DOT, each of the parties of interest will be forced to adopt a position, maintain it, and communicate only through their attorneys. Relationships will be severed because of concern about ex parte communications. The TTBRG activity consisting of cooperative industry efforts and support from government will be destroyed.

Conclusion

Truck brake performance is currently being improved through roadside inspections and front axle brake requirements. However, more is needed. Research and testing is ongoing through industry and government efforts. Problem areas still exist with anti-lock brakes and other new technology. There are also problems with the basic parts of the brake system, such as linings and valves, that must be resolved. Support of the Congress for increased research, development and testing for improvement of truck brakes needs to be expressed but should not slow progress by formalizing the current activity and imposing procedural limits on the ability of government and industry to work together. Congress should expedite passage of S.861 which directs DOT to report on the need to adopt methods for improving truck brake performance. Congress should urge DOT to implement the brake research and rulemaking program called for in the study done in response to Section 216 of the Motor Carrier Safety Act of 1984.

X. REVIEW AND PREEMPTION OF STATE REGULATIONS

In previous statements concerning the Motor Carrier Safety Act, ATA has expressed concern that the Act mandated an overly complex procedure that the Secretary of Transportation must follow to review and possibly preempt state truck safety requirements.

This has proven to be the case. Despite the complexity of the process, however, it is leading to a greater degree of uniformity of truck safety regulations because there is a greater awareness of the mandate by the Congress for uniformity. Also, the review process established by DOT, which has resulted in a database of 70,000 state records, is now on a course for faster action in making comparisons of state and Federal requirements.

ATA is concerned that DOT, in repromulgating its Motor Carrier Safety Regulations, as directed by the Motor Carrier Safety Act of 1984, is proposing to continue to allow states to impose additional regulatory requirements on motor carriers if they are not inconsistent with Federal requirements. This concept may have been appropriate in previous versions of the Federal Motor Carrier Safety Regulations but it is no longer appropriate given the intent of Congress to create "more uniform commercial motor vehicle safety measures." We believe that one of the reasons the Congress directed DOT to repromulgate the MCSR was to delete provisions that do not fit the scheme of the 1984 Act.

We urge Congress to direct DOT to seek uniformity of state and Federal requirements in all of its activities and programs relating to truck safety, and to avoid any action or proposal which might promote adoption by the states of non-uniform requirements.

XI. ANNUAL INSPECTION REQUIREMENT

ATA again wishes to express its concern that the federal annual inspection mandated by Section 210 of the Motor Carrier Safety Act will not add to safety and, in fact, may detract from it.

A requirement for annual inspections will take enforcement personnel away from much more productive activities like the roadside inspections which are being done through the Motor Carrier Safety Assistance Program (MCSAP). Checking for compliance with the federal annual inspection will also divert time and funding away from activities of federal inspectors and hurt important programs which are already behind, like that of assigning fleet safety ratings.

Trucks must be inspected and maintained systematically as dictated by the nature of the operation. It is impossible to write a standard for a single, specific inspection which will be adequate for everything. One or two inspections per year is not adequate for commercial vehicles. It cannot be assumed that a truck will retain its safety even a day after an inspection. Lights burn out, tires pick up nails and some hidden component of a critical system, like a brake anchor pin, can cross the line from in to out of tolerance even moments after an inspection.

This annual inspection requirement can ~~do little~~ to make those who do not intend to take care of their vehicles change their practices. They will maintain their vehicles only because of the continuing threat of enforcement and the penalty of monetary fines and vehicles placed out of service.

For years the Federal Motor Carrier Safety Regulations have required that motor carriers have a systematic maintenance program for their vehicles (FMCSR 396.3) and that drivers perform a pre-trip inspection before taking a vehicle out on the road (FMCSR 396.13). Both of these requirements go beyond what an annual inspection could ever hope to accomplish as they require continual care and attention to trucks. The need here is not another law, but rather enforcement of existing regulations.

The Office of Motor Carriers has issued a proposed regulation (docket MC-113; Notice: 4-7) which indicates how it intends to implement the annual inspection. While that docket shows a good faith effort on the part of the Federal Highway Administration to make something of the mandate to develop an annual inspection, it will take many revisions. We urge Congress to drop the annual inspection mandate of Section 210 of the 1984 Motor Carrier Safety Act rather than expend resources on something which will not provide a benefit and will even detract from other programs which do offer safety benefits.

XII. COMPLIANCE WITH TRAFFIC LAWS

It is obvious from complaints of the motoring public and others that there are some truck drivers who speed, tailgate, engage in unsafe passing, and generally harass other highway users. ATA believes that increased traffic law enforcement is needed to detect these drivers so that action can be taken to remedy their driving practices or remove them from the highways.

As a result of a request by ATA, the Motor Carrier Safety Act of 1984 mandated a study of the extent to which truck drivers comply with traffic laws, and of the need of law enforcement agencies to ensure such compliance.

In its report to Congress on its study findings, the National Highway Traffic Safety Administration states that there is a growing perception among traffic law enforcement officials that truck drivers' adherence to traffic safety laws is "bad and getting worse." However, NHTSA points out that there is no substantive data about the proportion of traffic law violations that are attributable to truck drivers, nor is there information about whether the extent of enforcement towards "moving" traffic violations is more or less than is warranted based on the extent of truck traffic and the extent of truck involvement in accidents.

NHTSA concludes that some type of systematic data collection effort would be necessary before questions can be answered about the extent of truck driver violations and police capabilities for enforcing traffic law compliance among truck drivers.

ATA therefore urge that the Congress mandate the "systematic data collection" referred to by NHTSA. ATA and others believe that strong action must be taken to enforce traffic laws among those truck drivers who are violators. Such a study should be initiated as quickly as possible, and have a short time frame so that the results can be translated into selective enforcement programs which target those commercial drivers who operate at excessive speeds and engage in unsafe maneuvers. Positive action is needed as soon as possible to improve truck safety performance on the highways for the protection of other highway users.

XIII. VEHICLE IDENTIFICATION

We need Congressional action to close a loophole in the current requirements for identifying the vehicles of all types of motor carriers operating in interstate or foreign commerce.

Adequate identification of the motor carrier on vehicles is important to safety. Truck drivers who cannot be readily identified because their vehicles are not marked are more likely to engage in unsafe practices than those who can be easily identified and reported for their manner of driving.

For more than four years, ATA has operated a "hotline" to receive complaints from the public about unsafe truck drivers. We relay these complaints to the motor carrier, but are often frustrated when the public complains about a truck which has no identification, and we cannot make contact with carrier management to report the complaint.

In response to a petition by ATA, the Office of Motor Carriers has proposed a requirement for the permanent identification of vehicles operated in interstate commerce by private carriers. The proposal would extend a marking/identification requirement of the Federal Motor Carrier Safety Regulations (FMCSR) which is currently limited to vehicles of private carriers transporting hazardous materials.

Identification of vehicles operated by ICC-authorized carriers would not be affected because they are already subject to long-standing identification requirements of the Interstate Commerce Commission in 49 CFR, Part 1058.

The OMC proposal made no mention of requirements for requiring identification on the vehicles operated by carriers which are exempt from the operating authority requirements of the Interstate Commerce Commission (ICC). These are carriers which transport such cargoes as unprocessed agricultural commodities and livestock. These carriers are subject to the FMCSR, but because they are exempt from ICC jurisdiction by statute, their vehicles are not subject to any Federal vehicle marking/identification requirements.

Upon inquiry to the Office of Motor Carriers, the ATA Safety Department was advised that the agency does not have the statutory authority to impose identification requirements on the vehicles operated by "exempt" carriers. This is a situation that only Congress can remedy.

In the interest of safe operation of trucks on the highways it is important that the Congress close this loophole by taking action to provide authority to DOT to require marking/identification on vehicles operated by ICC-exempt carriers.

Armed with the requisite statutory authority, we are confident that the Office of Motor Carriers will act promptly to extend marking/identification requirements to the vehicles operated by "exempt" carriers.

XIV. TRUCK OCCUPANT PROTECTION STUDY

NHTSA has published its study on Truck Occupant Protection in response to the mandate in Section 217 of the Motor Carrier Safety Act of 1984. We believe that the study identifies the issues and proposes how they should be addressed. The study sets forth a four point research plan to develop the performance data necessary to design a truck cab which will provide better occupant protection during accidents. We encourage Congress to provide the funding needed to carry out the truck occupant protection work detailed in NHTSA's plan.

XV. REVISION OF SAFETY REGULATIONS

Section 206 of the Motor Carrier Safety Act of 1984 gave the Office of Motor Carriers (OMC) of the Federal Highway Administration 18 months to rewrite virtually all of the Federal Motor Carrier Safety Regulations. That was an ambitious task. Work ongoing for revision of most of the regulations has resulted in proposals for revisions but final rules have not been adopted.

The proposed changes in Part 390 are acceptable to an extent. However, as stated earlier, the proposed change in the Commercial Zone Exemption rule is complex and confusing in that it is eliminated as a federal provision for truck operations in some states but not in others. The Commercial Zone Exemption should be eliminated in its entirety.

Another problem with the Part 390 revisions is that they will make it extremely difficult for motor carriers to get temporary relief from the regulations so that they can provide disaster relief.

Revisions of Part 391, Qualifications of Drivers, proposed by DOT focused almost entirely on drivers of hazardous materials vehicles. In its comments, ATA stated that: disqualification for multiple licensing should be applicable to all drivers; drug screening as part of the physical examination should be required of all drivers; there should be a specified disqualification period for a driver who evidences drug or alcohol abuse at the time of a medical examination.

In its proposal for revision of Part 391, DOT continued to ignore the ATA petition of January, 1983 for a disqualification of drivers for a period of three months for any driver who is convicted of three moving violations while on-duty when operating a commercial vehicle when such violations occur within a period of twelve months. The violations covered would be those that are less serious than the ones covered in the Commercial Motor Vehicle Safety Act of 1986.

The work relative to revision of Part 393 of the Motor Carrier Safety Regulations has been well done. While we do not agree with everything that has been proposed, we believe we can work out our differences. A major accomplishment in the rewrite of FMCSR 393 is that for the first time frames and steering will be covered.

However, the rewrite of Part 393 also allows states to establish requirements beyond those of the Federal regulations. It allows additional equipment and accessories, not inconsistent or prohibited by DOT. We recognize that this section is similar in concept to the current FMCSR 393.2. However, it is no longer appropriate given the intent of Congress, expressed in Section

203 of the Motor Vehicle Safety Act of 1984, to create "more uniform commercial motor vehicle safety measures." The mechanism that Congress created to achieve this uniformity is to compare a state's laws and regulations with the comparable Federal Motor Carrier Safety Regulations provision. This mechanism, set forth in Section 208 of the 1984 Act, works well to ensure uniformity provided that the DOT promulgates regulations that are not open-ended.

We believe that one of the reasons that the Congress directed DOT to repromulgate the FMCSR was to delete provisions that did not fit the scheme of the 1984 Act. The current section 393.2 is such an anomalous provision. A real burden on interstate commerce would be created if the revised FMCSR granted states the authority to create non-uniform equipment requirements that perhaps contradicted the requirements of other states. For example, one state might require a truck to be equipped with a C.B. radio while another might forbid it.

In responding to the Docket, ATA recommended that revisions be made allowing the motor carrier to install additional equipment, at its option, but not expressly permitting states to impose non-uniform equipment requirements. If a state seeks to impose a non-uniform requirement, it should be tested using the standards established by Congress in Section 208.

Should OMC find our proposal unsatisfactory we may need to seek changes in the 1984 Act to assure uniformity of state and federal equipment regulations.

XVI. MEDICALLY UNQUALIFIED DRIVERS

The Department of Labor recently decided that it has the authority to bring suit under Section 503 of the Rehabilitation Act of 1973, 29 U.S.C. 793, if a company refuses to hire a driver who the motor carrier's physician has determined is medically unqualified (OFCCP v. Yellow Freight Systems, Inc., 79-OFCCP-7). A driver would be found unqualified under DOT's regulations if he did not meet the minimum medical requirements of the FMCSR. Section 503 generally requires a company that has any contracts with the United States to take affirmative action to employ "qualified handicapped individuals", but the Department of Labor is not willing to defer to DOT to determine what constitutes a "qualified" driver.

ATA consulted DOT about this issue because it has industry-wide implications. We were advised by DOT that, if a motor carrier learns that a driver is unqualified as a result of a report by the motor carrier's physician, the motor carrier will be in violation of the FMCSR if the motor carrier continues to use that driver. On March 7, DOT emphasized its position by issuing interpretations on medical qualifications of drivers based on determinations by physicians through medical examinations of such drivers.

We support the position taken by DOT and oppose the Department of Labor interpretation because it interferes with the ability of motor carriers to remove unsafe drivers from the nation's highways.

We have brought this issue to the attention of senior officials within the Administration. If our efforts to resolve the issue administratively are not successful, we may need to explore legislative solutions.

XVII. CONCLUSIONS

American Trucking Associations commends the Congress for its efforts to improve truck safety through the mandate of the Commercial Motor Vehicle Safety Act of 1986 and the Motor Carrier Safety Act of 1984. The provisions of these Acts will result in safer truck transportation but there is need for continued Congressional oversight and for additional Congressional action to improve motor carrier safety.

ATA continues to support the 55mph national speed limit. We urge Congress' continued support of 55, and that there not be further extension of the 65 mph speed limit. Congress should establish a system of sanctions for violations of the 55 mph limit.

ATA supports random drug testing that is legal, constitutional and equitable. ATA advocates a pilot program to determine if drug testing at roadside locations can be a practical and effective means of conducting an industry-wide random drug testing program. ATA does not support random drug testing at this time.

Congress needs to expedite passage of S 861 to eliminate the commercial zone exemption for the protection of the trucking industry and other highway users.

The Commercial Driver License program at DOT is progressing on schedule. DOT is to be commended on its effort to implement this valuable legislation on time. Congress needs to provide ongoing support for DOT to resist efforts of some groups to be exempt from the licensing requirements.

The trucking industry is seeking ways to eliminate the problems of overweight containers tendered by overseas shippers. Such containers reduce the safety performance of brakes, tires, wheels and vehicle stability. If the trucking industry is not successful in resolving the problem through a joint motor carrier-shipper program we will seek a legislative remedy from the Congress.

ATA opposes a legislative requirement for the installation of on board recorders because there is no evidence that their use will be effective in all types of truck operations. ATA supports the provisions of S. 861 which promote DOT action to adopt methods for improving truck drivers' compliance with hours of service regulations.

DOT has not yet released a final rule which sets forth the procedure for its safety rating program. This is urgently needed.

NHTSA has released a study, mandated by the Motor Carrier

Safety Act which recommends improvements in current truck brake systems and the development of a brake system for trucks of the future. Support of the Congress for conduct of the NHTSA program needs to be expressed in legislation. Passage of S.861 for adoption of provisions that will result in truck brake improvements is supported by ATA.

The Congressional intent for more uniform commercial vehicle safety measures might be counteracted if DOT adopts regulatory proposals which would allow states to impose additional regulatory requirements on motor carriers if they are not inconsistent with Federal requirements. We urge Congress to direct DOT to seek uniformity of state and Federal requirements in all of its activities and programs relating to truck safety and avoid any action or proposal which might promote adoption by the states of non-uniform requirements.

ATA urges Congress to reconsider and eliminate its mandate for periodic inspection programs in Section 210 of the Motor Carrier Safety Act of 1984.

ATA urges that the Congress mandate "systematic data collection" referred to by NHTSA to determine the extent of truck driver compliance with traffic laws.

Congressional action is needed to close a loophole in the current requirement for identifying vehicles of all types of motor carriers operating in interstate or foreign commerce.

We encourage Congress to provide the funding needed to carry out the truck occupant protection work detailed in a research plan reported by Congress by NHTSA.

There is conflict between Department of Transportation physical requirements for commercial vehicle drivers and Department of Labor's position that medically unqualified drivers must be employed by motor carriers. If the problem cannot be resolved administratively ATA may need to seek legislative solutions.

A Critical Review of:

"Drug Use by Tractor-Trailer Drivers"

A study conducted by the
Insurance Institute for Highway Safety, June 1987

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A Critical Review of: "Drug Use by Tractor-Trailer Drivers"

The following critique is organized into separate sections addressing each of several interrelated issues. Its sequence allows for an initial overview of human drug testing and toxicology reference classification. This information is next critiqued for the Insurance Institute for Highway Safety's (IIHI) specific application, definitions and assumptions. The sampling plan and other methodological considerations are then addressed, including inducement of subjects and bias. The critique ends with precise descriptions of errors in calculation and interpretation. The summary identifies inaccuracies and misleading statements in the target report.

Toxicology background

There are many different tests conducted to provide information regarding drug use. In medical settings they are considered to be pharmacokinetic and pharmacodynamic in nature, meaning how they act and how they are metabolized for elimination from the body under known/presumed dosage and schedules. To make these determinations of action/elimination, blood or serum concentrations (levels) are taken at precisely timed intervals pre- and postdose. In this way, minimum therapeutic levels can be documented, while toxic levels are avoided. Outside of the medical environment in applications of toxicology and legal substance control, testing is often done to establish presence or absence of a substance, sometimes also involving the establishment of amount and/or recency of use. These latter two points are difficult to determine and involve more complex, labor-intensive laboratory quantitation methods than do the former.

If introduced to the human body, substances, each with different elimination patterns and possible different metabolites, are variously detectable throughout the organism. The two substances most often sampled for obvious practical, among other reasons, are blood (or serum) and urine. In the case of some substances, they are rapidly metabolized and either not present in the blood for long and/or not present in their original form. Without addressing tissue concentrations or issues of summative content in liver and fatty tissues, substances such as those investigated in the target report appear after recent use in high concentrations in the blood (serum), and then over time, are less apparent in the blood but detectable in the urine for longer periods. In the cases of marijuana and cocaine, for example, not only is this true, but also the fact that over time the active measurable ingredient is not THC or cocaine, but the metabolites of each, respectively, carboxy-THC and BE. The primary concern for any analytic testing is how a target substance should be identified; should it be qualitatively screened for, should it be quantitated, what thresholds will be used if it is to be quantitated, will sensitivity or specificity be of more importance? (see attached article).

IIHS Drug Testing

In the case of the IIHS report, a very thorough set of tests were performed, using excellent criteria in all cases. Blood values are correctly considered commensurate with those of serum. The difference in threshold levels used by the different reference laboratories have been explained as those for which each company's test(s) "perform best". This means that for the particular test product, a particular lab will have established the highest sensitivity, while preserving specificity. Simplistically, one generally wishes to have only true positives (TP) and true negatives (TN), that is, positives so identified are only those cases where there was truly use of the target substance, with the opposite being the case for TN. To the extent that a test is extremely conservative, some false negatives (FN) can occur, and similarly, if a test utilizes a more generalized or liberal algorithm, some false positives (FP) are inevitable. A tests' ability to detect a substance when it is present, is a direct function of the published TP, TN, FP, FN and their relationships to one another, which are known as sensitivity and specificity. Many recent reports and government sponsored committees have used or are recommending levels which will result in an excess of FP classifications. Thresholds to be used for qualitative screening (detection) vs quantitation are at the crux of any reasoned decision-making regarding such testing. These issues are all approached well by the IIHS, and thresholds from the different reference labs can be accepted as comparable in the report as those preserving the highest sensitivity and specificity by laboratory and specific test.

A separate issue involves how or whether to collect samples such that both qualitative screening and quantitation of any positive screens can be accomplished. It is of considerable importance to note that the currently available screening techniques only establish presence, not amount, and are relatively inexpensive, fast and easy to perform. Those used in the course of the IIHS study were the RIA, FPI, and EMIT. By comparison, all of the quantitative techniques are expensive and require highly trained laboratory personnel using sophisticated on-site equipment for analysis. Such

IIHS techniques employed included GC-MS, HPLC, and GC-NPD. One note should be made that the HPTLC test is considered qualitative in nature, rather than quantitatively affirmative as stated by IIHS. This issue slightly impacts on percentage findings noted below. The Institute is to be commended for their attempt to quantitate all positive screening results in so thorough a manner.

Interpretation and IIHS Definitions per drug testing

A major contentious point would seem to be the use of the word "drug" to describe illegal drugs, prescription drugs (Rx) and over-the-counter preparations (OTC) as if synonymous types of substances with similar affective relationships to driver performance. A second problem involves the total percentage (or number) of drivers reported as "drug" users. As is annotated in the original report and outlined below, the IIHS overcapitalized reported frequencies for cases of "polydrug" use. This is an easy error to commit and it is not suggested that its commission was intentional. With exception of this error, and their suggested interpretation that 5 unconfirmed (in serum) marijuana users be counted as confirmed (two of these five are not confirmed based on observed rates of GC-MS confirmation for "+" EMIT of only 3:8), all drug testing and quantitation was well executed. One must assume that as reported, all samples were collected and prepared to standard laboratory guidelines for subsequent analysis (e.g. centrifuged, timed, frozen etc.).

Sampling and Methodology

While the technical aspects of "drug testing" were well conducted, issues related to sampling are troublesome. Based on the supplied ATA figure of approximately 1.8M total truckers, a true random sample of approximately 322 drivers would have been sufficient to conclude with 95% confidence, that the actual population rate was within 5 percentage points of the drug incidence rate observed in the study. This would only be true if the sample had been a representative random one, which it was not. Although addressed briefly by the IIHS as a caveat on page 15, the limitations of the study are serious, and particularly jeopardize generalizability. They include: exclusion of female drivers, nonstandardized period of day for sampling (i.e. overrepresentation of 6pm - 6am), nonconsecutive truck selection (i.e. certain trucks were excluded based on size, and type, while other 'appropriate' trucks were missed if inspectors were busy with violators at the time they entered the facility), allowance of inclusion of drivers not really operating a "truck" at the time (i.e. tractor-only), lack of stratification or control for other potentially confounding variables, such as geographic area, time of day, time of year as related to weather, time of year as related to increased upper respiratory problems and OTC drug use, prevalence of truck type on this specific roadway, increase in holiday period business and related enhanced requirements for schedule adherence by drivers, changes in usual routes to either include/exclude passing through Brownsville, Tn.

Of all of these, the lack of random selection within this singular site is enough to invalidate the findings, especially as the popular press is obviously reporting them. The findings would be more valid if considered to represent only men, driving only a particular type of truck (the selection of which was neither consecutive nor random), excluding the information of co-drivers of the same rig, using the highway system near Memphis only during an unusual time of year just prior to Christmas, with unsubstantiated knowledge of whether this was the normal route of choice for E to W travel or a more southerly one selected because of bad weather conditions further N at that time of year. This is indeed a severely delimited group to which the results could be generalized, and violations of random selection would stand unaddressed.

The sampling plan is not described anywhere in the report. Distributions are not presented which show how many men were interviewed from each of the time periods. Because the periods were not consecutive, balanced or stratified within each 24 hour sequence, a primary requirement for randomness was violated. That is, that each truck (disregarding for the moment whether any type or driver should have been excluded) did not have an equal probability of being included in the sample. It is entirely unclear why such varied times were used for sample selection. If pragmatics were involved, it would have been better to limit the sampling time to a standard period of 6pm-6am, an interval which was used for four of the six 12 hour periods. Even if this had been done, the resulting sample within each was not collected in a random manner. It also becomes less likely that the total number of participants (317) sufficiently represents those characteristics which by their inclusion, these drivers are assumed to represent. Additional documentation and demographic statistics would be required to completely resolve this point.

Subject inducement/disclosure

Two other issues relate to subject inducement and nondisclosure of study intent. Were those who participated different from those who did not, based on the promise of payment? Enrollment is more often conducted without description of such "reward", even though it is customary to reimburse subjects for their time, inconvenience and/or real expenses for research participation after the completion of all tasks. All human subjects research, as it is called, falls under institutional guidelines prepared by the National Institutes of Health for regulation by HHS. Of course, these regulations do not technically apply to the IIHS study, but they are widely accepted as National standards and are quite specific regarding subject inducement, bias and research ethics. The ethics of not fully disclosing the study intent are more difficult to parse. On the one hand there may have been more adequate enrollment of a nonbiased type, than if disclosure was complete. However, this is not able to be ascertained, since it is possible that a "true" substance abuser would have been more wary of participation in any health related study for any reason or inducement.

Criticism of interpretation of findings

A major criticism of the report lies in its discrepancy between stated purpose "to determine incidence of drug use by drivers of tractor-trailer trucks..." vs the link of such findings to causality and performance. Page two includes these three incongruous statements. Specifically, the report documents incidence of use among drivers (although at 30% instead of 20%, as described below), but whether the presence of these substances "affects their performance" or "are being used by drivers to stay awake", are two entirely undocumented, and therefore unanswered, questions. As outlined previously, mere presence of a substance does not imply sufficient quantity to affect performance, nor does presence in urine (which may maintain for prolonged periods) include a recency determination sufficient to answer this question or result in reliable statements about performance issues. In fact, in the case of marijuana in particular, effects are sometimes nonexistent or delayed beyond the period of elimination, to levels below detection thresholds. In addition, the report provides inadequate documentation that drivers were taking OTC substances specifically to stay awake. This was the stated case for only three drivers. At the time of year that the study was conducted, cyclic incidence rates for upper respiratory illness and other cold-like symptoms would increase the likelihood of appropriate OTC drug use. The fact that such substances could enhance ones wakeful state, does not mean that they were *ingested for this purpose, just as the fact that they were ingested does not* necessarily mean that they caused compromised performance. In fact, it would be of interest to obtain the incidence of such use among "other road users" noted on Page 1 who were involved in fatal crashes with tractor-trailer trucks, since it has always been a curious point to speculate upon fault for such crashes.

Error in incidence and interpretation of percentages

Because of the duplicate counting strategy applied to non-unique cases of substance use, some drivers were overpresented in the totals presented by IIHS. This overrepresentation occurs in situations of "polydrug" use. If one anchors a count to subject numbers assigned for marijuana confirmation and assigns subsequent counts to the next test classification only for "new" individuals, the following are noted:

marijuana (confirmed blood & urine)		30	
marijuana (confirmed blood only)	+	4*	
marijuana (confirmed urine only)	+	2**	
cocaine (confirmed blood & urine)	+	1	
Rx stimulants (confirmed b & u)	+	14	
OTC stimulant-like (confirmed b & u)	+	12	
Total		63	63/299 = 21% (63/317 = 20%)

* the GC-MS test is definitive, therefore, blood-only confirmation is sufficient

** unlike GC-MS, the EMIT is a qualitative urine screen with an observed confirmation rate of 3/8, from which 2/5 of the urine-only confirmed users could be expected to be confirmed by GC-MS

More should be said of the 21% figure. On face value, there may be concern that 1 out of 5 drivers are apparently using some substance, however, this may be spurious oversimplification. Upon additional inspection of substances used in a manner paralleling IIHS's rationale outlined above, the following becomes apparent. Among the confirmed marijuana users, only 8 would be assumed to be either frequent or recent users. As documented in reference #3 of the IIHS report, recency is not sufficient evidence to substantiate impairment at the time of performance, and frequency used for this purpose is a highly contested equivocal issue. Of these 8, none also used Rx stimulants or cocaine, and only one (#586) used an OTC preparation for which use was congruent with symptomology. Two other drivers had low cocaine metabolite (BE) levels, but no blood levels of cocaine. This indicated past use, but probably not having any influence at the time they were driving and sampled for study. This contention would be difficult to support, however, for either point of view. This leaves 12 drivers using Rx stimulants and a different 12 using OTC preparations which could include levels of milder stimulantlike substances. It should be noted that most of these substances within the OTC class are likely to include combinations of these three tested compounds due to synergistic action. As such, one substance could be represented as three separate "findings". The 12 drivers of concern are those noted as taking Rx only medication of this type. Of overall concern, therefore, are the total of recent/ frequent marijuana users (8) and the Rx stimulant users (12), or 20 drivers representing about 6% of the drivers enrolled.* This is obviously a liberal interpretation, but one which is equally defensible to the one presented by the IIHS, especially in light of their inadequate sampling plan and lack of adherence to the principles of random subject selection.

Summary

In summary, the IIHS conducted an extremely thorough drug incidence study, the results of which have flawed interpretation. Most grievous fault derives from the sampling plan employed and the resulting lack of randomization among the drivers who were enrolled. Exclusions and lack of stratification or control for confounding variables are also strong negative issues. The reported incidence of 30% was incorrect, with the correct comprehensive percentage being 20%, although only about a third of these drivers (6-7%) used an identified illegal substance frequently or recently, or were involved with the use of an Rx drug associated with abuse. There is nothing to indicate that this smaller percentage (6-7%) is different from that which could be established for use of these same substances in the population of all drivers of all types of vehicles using our nation's major highways.

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* The two drivers with low BE levels could be added depending on ones point of view regarding recency effects of cocaine on performance. If they are added, the total becomes 22 and the percentage involved becomes 7%.

Dr. Pamela Getson is currently the Senior Research Statistician at Children's Hospital National Medical Center in Washington, D.C., where she directs the efforts of the Statistical Core Group. Her responsibilities include the design, analysis and interpretation of medical protocols and clinical studies instituted by collaborating physician groups. She is also an Associate Professor with the George Washington University School of Medicine and Health Sciences. She has taught a variety of courses at several Washington area colleges and universities in the areas of research methodology, statistics, sampling and computer applications. Her personal research efforts involve statistical modeling of medical care and cost containment efficiency designs.

FAIL SAFE OR FAIL DEAD?

Andrew Davis reports a Transport Engineer investigation into operators' experience with anti-skid systems.

Over the last two months we have talked to operators of 2,270 tractors, trailers, coaches and fire-appliances fitted with anti-lock braking systems. Nearly everyone was in favour of anti-skid, but there was dissatisfaction with its reliability. Most worrying is that the systems are not always fail-safe.

The survey found 17 system failures which resulted in a "no-brakes" condition that was confirmed by workshop inspection. Driver complaints and accident reports of brake failure have not been included. The brakes-loss (0.76 per cent) - 11 on trailers and 6 tractors may be small, but it does contradict the anti-lock manufacturers' claim that the systems can only fail-safe.

A further conclusion to be drawn from our survey is that manufacturers of anti-lock systems and vehicles - as well as some operators - share a lack of awareness of maintenance procedures and training of workshop staff. Manufacturers have also failed to provide feedback to operators as to why components have failed, thus frustrating those transport engineers attempting to implement preventive maintenance programmes for anti-skid systems.

The point about maintenance-knowledge is really positive from an industry viewpoint. All the transport engineers we contacted believed in the benefits of anti-lock; nearly all, despite their criticisms, would still specify it on vehicles irrespective of future legislation.

One of the exceptions, a big fleet on the east coast, has ceased specifying anti-skid, not just for technical reasons, but just because of management time and loss of use arising from hassle with drivers. It was one of the early users of Dunlop's drive-axle-only Maxaret (now under the Bendix wing).

"There were snags at first. The Dunlop lads eventually sorted them all out and it became the most reliable anti-skid system on the market. But from then on drivers in an accident kept trying to get off the hook by saying that the anti-lock didn't work. Tests and checks always proved that such claims were rubbish - but it wasted so much time and was so upsetting labour relations that we decided to phase out anti-lock altogether. We buy British vehicles that have well balanced brakes and rarely suffer rear-wheel skids anyway."

All the transport engineers to whom we spoke asked us not to publish their names or their companies. Safety is the major concern of all maintenance engineers and they are not anxious to draw unwelcome attention to their fleets. This is a problem, of course, for a government ministry frustrated from finding out the truth.

The biggest problem reported by operators was failure of the electronic control module - the black box of the anti-lock system. One tanker operator had a 7.7 per cent failure rate with modules. Only three of the 20 failed modules reported by this operator were in the warranty period, so manufacturers' own statistics based on first-year claims do not reflect the true situation. It also refutes the frequent claim of electronics specialists that modules, once "burnt-in", do not suffer failures.

Another weakness is wheel sensors and exciter rings. Quite often this seems to be caused by faulty initial fitting - indeed frequently in the case of retro-fitments according to some engineers. Also, lack of care when refitting hubs after brake overhauls and not checking sensor-gap or the true-running of exciters has caused sensor problems. Correct bearing float becomes extra-important - too sloppy and the sensor gap may be too great to give a reliable signal to the electronic control box.

Symptom and cause are not always the same. Many trailer anti-lock problems are caused by faulty electrical supply from tractors, especially where the anti-skid control is powered through the stop light circuit. More certain, it is felt by some, is a dedicated feed to the trailer via the auxiliary seven pin connection.

It is not just the electronics and sensors that cause problems. Water condensation in the brake system has caused trailer memory-controlled relay valves and booster valves to freeze - resulting in brakes stuck off or on. The remedy, according to fleet engineers, is to fit air driers on all tractors. Manufacturers, as far as we are aware, have not issued any service bulletins on this subject.

Frequency of tractor-trailer interchange also seem to influence whether problems occur with (Girling Skidchek) latching-out, or simply switching off power to the module. It is a simple job to reset the trip, so long as the fitter has the special tool, but there is but a slim hope of this when the fault occurs on trailer changes at remote depots. Although manufacturers say it is safe to use the trailer with the warning light on, workshops have found trailers with brakes not working in this situation. It could be serious. Fail-safe could mean fail-dead.

Electronic modules are expensive to replace - £324 each on tractors and £240 on trailers. No service exchange is currently operated. Some fleet engineers have complained that they cannot obtain feedback about what was wrong with the unit (if anything). Not surprisingly, they are apprehensive about high

Type of operator	No. of vehicles fitted with anti-lock	System fitted	No. of failures	Period of failures	Description of problem
Northern food & drink distribution	15 4 by 2 38t tractors 50 tri-axle trailers 40 single-axle trailers	Girling Skidchek	Nil 4 1	1 year	Five trailers found with no brakes working: 1 caused by corroded wiring (28 months old) 1 caused by broken sensor wire + sticking relay valve 1 faulty memory valve (sub-relay valve displaced) 2 electronic modules faulty All tractors (38 & 16t) retro fitted to overcome recurring problem of trailer relay valve freezing – brakes failed on and off. Recurring fault (average 1 month) of module electronic fuse tripping out.
National fuel oils distribution	380 tractor tanker outfits	Girling Skidchek	20	1 year	16 tractors and 4 trailer modules replaced 1 trailer brakes not working at over 55 mph (eccentric exciter ring)
National fuel oils distribution	480 tractor tanker outfits	Girling Skidchek	Random	over 8 years	Random failures of modules
National food distribution	33 tandem-axle trailers	Girling Skidchek (23) Maxaret (10)	1	1 year	1 Maxaret system failure (no trailer brakes) 1 Skidchek system failure (module burnt out)
Fire brigade	120 appliances (both axles braked)	Girling CS2 & GX	5 1	2 years	5 module failures (but no failure of braking system) on CS2 and 1 on GX module failure Random electronic fuse tripping. 4 failures on CS2 air control valve (poppet valve breaking off)
Northern express coach operation	280 coaches (both axles braked)	Girling Skidchek	Nil	4 years	Some early problems with water ingress into modules. Delay (seconds) on warning light operating with GX system (DGX faster)
Brewery distribution (south west)	13 tri-axle trailers 2 4 by 2 tractors	Girling Skidchek	Nil	3 years	
National fuel oils distribution	300 tandem-axle tanker trailers	Maxaret Skidchek	4 Nil	1 year	4 occurrences with 13 trailers with Maxaret module failure (air dumping – no trailer brakes). No problem with Skidchek.
National food distribution	30 tractors 30 tandem semi-trailers	Wabco ABS Girling Skidchek	6 Nil	8 months 2 years	6 failures of ABS (no brakes under 5 mph) new modules and connectors fitted in recall campaign Also problem with warning light staying on No problems with trailers.
Fire brigade	39 appliances 16 16 7	Girling CS2 Girling GX Bendix CRM	2 Nil Nil	4 years New 4 months	CS2 faults – 1 loss of air due to poppet valve tip breaking off (others worn) 1 brake delay (2.3 seconds) caused by spurious signals (modification of module by Girling). Poor earthing of sensor

costs when the vehicle is out of warranty. Thus, an opportunity to monitor the condition of the units so as to plan when to replace or overhaul components is lost.

The same applies to the memory controlled relay valve used by Girling, for which the recommended replacement period is two years or 100,000 miles. But most operators do not have a planned replacement policy for units – "change when failed" is the industry norm.

Fire brigades we spoke to have a policy to overhaul air valves every two to three years – even though air driers are normally specified to keep air contamination to a minimum. Some brigades have been annoyed that, after identifying a system problem, anti-skid manufacturers have expected them to update with a later generation system. The prospects of product liability legislation implying a duty to supply "state of the art" equipment might change such attitudes.

Operators with the longest experience of anti-lock (including tanker fleets and fire-brigades) seem the keenest to fit the latest generation systems that sense all wheels and use digital instead of analogue central processing units. This is the type that will be required by October 1989 for new coaches over 12 tonnes and prime movers over 16 tonnes of combinations (and, from October 1991 on all vehicles first registered).

Some operators have reported problems with non-sensed wheels on tri-axle bogies locking before the sensed axle reduces braking effort to all wheels. Air-sprung bogies with better axles-load equalisation seem to do better in this respect. Even so, tanker operators are particularly keen to fit all wheel sensed systems. Actually, though, from a stability point of view they need not be so fastidious: one or two wheels out of a bogie that will keep rolling should stop a slide.

One chassis manufacturer, D.A.F., has already carried out a D.Tp. safety recall of 160 trucks and coaches fitted with the Wabco anti-skid system. This involved replacing the control modules and fitting improved electrical connections to overcome a slow speed "no brakes" problem.

Early Girling GX systems also suffered from poor electrical connections and water ingress according to the express coach operators. Two operators, one of the coaches and one of fire engines, were concerned to find anti-lock systems causing brake-application delay of two to three seconds. This type of problem is difficult to reproduce in the workshop, but spurious input signals were thought to be the cause. At Girling they have modified older systems to cure this problem. Newer types, such as the Girling DGX and Bendix CRM have digital electronics with a bigger memory capacity – simply the ability to handle more input messages and sort them more quickly. Only recently are these systems being fitted, so time will tell if the claims for improved reliability are justified.

The anti-lock learning curve has a time axis measured in years, not months, and this is reflected in the experiences of the operators in our survey. Fleets which have taken advantage of manufacturers' training facilities and invested in expensive diagnostic test equipment are able to find and remedy faults – and avoid a "fail-dead" situation. As one fleet engineer summed it up: "Anti-lock requires planned maintenance. It's not a fit and forget item."

Crane Fruehauf's experience with anti-lock

Crane Fruehauf was the first trailer manufacturer to fit anti-lock braking (Girling Skidchek) as standard instead of load-sensing valves. Over the past five years, a total of 14,600 trailers have been equipped with Skidchek on-line, and the warranty claims number 835 (5.7 per cent).

Warranty on Skidchek is still only one year, so the claims do not include the other failures that occurred outside the warranty period.

The peak warranty claims occurred in 1986, which also coincided with the introduction of Girling's second generation, MGX2, module. The electronic box is less sensitive to "locking-out" (breaking the power circuit) due to power fluctuations. Additionally, a bigger proportion of tractor units since 1986 were wired to provide a permanent feed via the auxiliary seven-pin connection instead of by just the stoplight circuit of the main connector. Significantly, the claims for 1987 are half that of the peak, so the later systems seem to be less troublesome.

Half of the failures recorded in the sample of 295 claims investigated by Fruehauf's technical services department were related to faulty sensors. The majority of these are "spot" type – probes mounted on the backplate with an exciter ring mounted on the hub. But about 25 per cent of Fruehauf trailers are fitted with the French built Fruehauf Proper axle, which uses an axle-tube end sensor. The original Kelsey-Hayes designed sensor was altered because of wear problems.

Fruehauf engineers also confirmed that the Girling memory controlled relay valve and the associated booster relay valve are more prone to freezing than the conventional RE4/RE6 emergency relay valves fitted to trailers without anti-skid.

A service recommendation by Fruehauf's is to fit fresh memory relay valves every year. The exchange price of the valve is £91, says Fruehauf – although, actually, new valves are supplied as it is not reckoned economical to overhaul them – understandable safety insurance but rather a waste of resources, perhaps. New control modules cost £324; here, no exchange is available.

YEAR	FAILURE RATE (%)	CAUSE OF FAILURE (Numbers of sample)				
		MODULE	SENSOR	SENSOR ADJUST.	M.C.E.V. VALVE	FUSE BOARD (in module)
1983	1.9		No data			
1984	4.2		No data			
1985	5.7	30	45	7	7	1
1986	7.0	46	76	3	19	5
1987	3.1	17	26	0	7	4
		93	147	10	33	10
(%) of sample		31.5	50.[illegible]	3.4	11.4	3.4

The technical service department at Crane Fruehauf supplied Transport Engineer with the breakdown of anti-lock failures based on a sample of the total claims (14,880).

COUPLING ARTICS

Standardised limits on the dimensions of tractors and semi-trailers in the coupling region have been determined by the Institute of Road Transport Engineers. The dimensions are included in a comprehensive code of practice published by the Institute.
The code of practice goes further than either the British Standard or the International Standard — and caters for interchange between all three standards.
It provides the wider-scope of tractor-trailer interchange needed in British operation to couple legally to semi-trailers with front overhangs between 1 metre and 1.6 metres. The code also affords more vertical articulation than B.S. or I.S.O. so that artics can negotiate ramps or slopes as steep as 1 in 6.
Graphs are included in the code to enable operators and designers to predict tractor-trailer clearance whether observing the code or not. The reasoning behind the code is fully explained with the aid of dimensioned diagrams.

The price of the I.R.T.E. code of practice is £5, post-free. Send your cheque or postal order to the I.R.T.E., 1 Cromwell Place, London SW7 2JF

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Mr. **Anderson**. The subcommittee will stand in recess until 2 p.m.

Thank you.

[Whereupon, at 1:20 p.m., the subcommittee was recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. **Anderson**. The meeting of the subcommittee will come to order.

Our next panel consists of Brian O'Neill, president of the Insurance Institute for Highway Safety; and Peter Leskin, counsel for the American Insurance Association, accompanied by David Snyder, counsel. We have Mr. O'Neill's and Mr. Leskin's statements, and they will both be made a matter of the record.

Brian O'Neill, you may proceed.

TESTIMONY OF BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY; AND PETER LEFKIN, COUNSEL, AMERICAN INSURANCE ASSOCIATION, ACCOMPANIED BY DAVID SNYDER, COUNSEL

Mr. **O'Neill**. Mr. Chairman, thank you.

What I will do this afternoon in the interest of time is summarize some of the high points of my testimony.

The first issue I would like to address is the question of speed limits. As you know, many States have now raised their speed limits on rural interstate highways to 65 miles an hour, and we are beginning to see the results of those higher speed limits.

Speeds have escalated well beyond 65 and, unfortunately, highway deaths have been going up in those States as well. In the 22 States where speed limits were raised from 55 to 65 last year, deaths on the rural interstates during the first 3 months of the higher speed limits (May–July), jumped dramatically, increasing 31 percent compared to the average for the same months in the previous 5 years. This increase is much greater than could have been expected from normal year-to-year fluctuations.

We also have evidence of increasing travel speeds under the 65-mile-per-hour speed limit. In New Mexico, which was the first State to adopt a 65-mile-per-hour limit, 1 week after the speed limits were raised our data indicated that about 5 percent of the passenger cars on New Mexico's rural interstates were exceeding 70 miles an hour. By August 1987 10 percent were exceeding 70, and by December last year speeds had escalated. By that time, 23 percent of the passenger cars were exceeding 70 miles an hour. In our latest data from that State, which was just last month, about 20 percent of the motorists were still exceeding 70 miles an hour.

This means that the proportion of passenger cars going faster than 70 miles an hour on rural interstates in New Mexico has doubled since August and quadrupled since April when speed limits were first raised. And we are finding similar patterns in other States.

It is clear that in many instances present enforcement isn't deterring motorists from exceeding 70 miles an hour. While it may be politically impossible to reinstate lower speed limits, surely it isn't impossible to establish some meaningful speed compliance requirements to encourage more effective enforcement and to prevent unsafe speeds from becoming commonplace.

The advocates of returning control of speed limits on interstate highways to State officials have claimed that highway and traffic conditions vary considerably throughout the country. Local officials know their roads best, this argument goes, so they should be allowed to set maximum speeds.

The fact is, however, that Federal officials set the basic design standards for interstate highways everywhere. Rural interstate highways were built to a design speed of 70 miles an hour or lower, and this is the maximum safe speed under ideal conditions; it is the speed that should never be exceeded.

There has been talk of compliance requirements related to the posted speed limit in the States. I would suggest that it is not logical to have compliance requirements related to posted speed limits that may vary now from State to State, because speeds above 70 miles an hour are, by definition, unsafe everywhere.

I believe that sanctions should be adopted that encourage States to keep to an absolute minimum the proportion of motorists exceeding the design speed of 70 miles an hour. Posting rural interstates with a 55-mile-per-hour speed limit, as is still the case in much of the Northeast, is one way to do this. But in States that post 65-mile-per-hour limits, it is clear that much more effective enforcement than we have today is needed if we are going to keep most motorists below 70.

Turning now to another problem, that of alcohol-impaired drivers, everybody wants to reduce crashes caused by impaired drivers. The question has always been: how and what works?

Researchers at the Institute have recently evaluated three types of State laws aimed at reducing alcohol-impaired driving. The most effective of the three types of laws we studied is the one requiring administrative license suspension immediately after failing or refusing to take a breath test for alcohol. This kind of law reduces driver involvement in fatal crashes by about nine percent during the nighttime and early morning hours when alcohol involvement is especially high.

But successful as it is, this kind of law isn't yet widespread. As of now, only 22 States and the District of Columbia have this type of law. Clearly, we need more State laws of this kind to combat the problem of alcohol-impaired driving.

Tired drivers can be just as impaired as those who have consumed alcohol, and fatigue has long been a serious problem among long-distance truck drivers. Recognizing this, the Federal Highway Administration limits the maximum time interstate truckers can work to 10 hours following 8 hours off duty and a restriction of no more than 60 hours in any 7 consecutive days.

But unfortunately, these Federal regulations are routinely ignored, a fact that has been documented so often and so clearly that it is old news. In fact, when it comes to regulations designed to keep fatigued truckers off the road, we are about where we were a decade ago with laws against alcohol-impaired driving. That is, the laws are on the books, but they aren't effective because of poor enforcement.

The Federal Highway Administration this month took a tiny step forward. It is planning or proposing to permit truck and bus operators to use onboard recorders to record the hours in which trucks and buses are being operated. But they are only going to permit the use of such devices, they are not going to require them. We believe that requiring onboard recorders is the action that is needed.

At the present time, the Federal Highway Administration is not planning to require these devices because of "the possible purchasing, financing, and servicing disruption resulting from a mandate."

This policy is in direct contrast to those in Europe, where a version of onboard recorders, tachographs, have been required for 30 years.

Only when recorders are required, not merely permitted in the United States will enforcement officials have the means to effectively monitor how long truck drivers spend behind the wheel.

Another equally important big-truck safety measure is one that would reduce jackknife crashes. Tractor trailer jackknifes are commonplace, especially in bad weather. But they don't have to happen nearly as often as they do.

The short videotape I would like to show now explains how truck jackknifes could be avoided. This is a short 3-minute video of some tests that were conducted using an antilock braking system on a truck last year in Europe.

[Video presentation.]

Mr. O'Neill. Mr. Chairman, I might add that I was in the truck as a passenger, not driver, in that last test, and it is quite remarkable to experience braking under those circumstances with antilock systems. I note that in testimony this morning the American Trucking Associations question the reliability of antilock systems in Europe. We interviewed fleet managers from three large fleets that have been using antilock systems for several years now. Each of them told us exactly the same thing. They have not had a serious jackknife accident since they began equipping their fleets with antilock brakes, and they have had no serious problems with reliability.

Furthermore, despite the allegations of reliability problems, it is worth noting that the European Common Market countries have already agreed to require antilock brakes on large trucks and buses beginning in 1990. And in fact, under the European system of type approval, where the governments have to approve new designs, any new truck or bus design, that is submitted for type approval the middle of next year must have antilock brakes.

The Common Market countries are sufficiently convinced of the reliability of these systems that they have moved forward with the mandate, and we believe there should be a mandate for this kind of performance in the United States as well.

Also, I would like to take this opportunity to respond to something else that was stated in the American Trucking Associations' testimony this morning; it was stated, and I quote, "There is no Federal or State data which identifies a major drug use problem among truck drivers."

They then went on to criticize some research which the Institute did last year indicating that at one truck stop in Tennessee a random sample of truck drivers were found to have significant use of both illegal and legal drugs. And while the statement from the ATA that there is no Federal or State data available at present is correct, I would point out to the committee that the National Transportation Safety Board is currently in the middle of a study where they are looking at drug use among fatally injured truck drivers, and I believe that if this committee contacted the National Transportation Safety Board, some of the preliminary findings from that study may be available.

I would also like to point out that we have independently prepared a response to the critique of our drug use study, which I would like to request be put in the record of these hearings.

The main points from my testimony are these:

Where speed limits are higher, enforcement has to be much more effective than it has seen so far in order to keep very high travel speeds from becoming the norm;

We should be immediately taking away the licenses of people who are caught driving while impaired by alcohol;

Just as quickly, we should require onboard recorders to keep big-truck operators off the road when they are impaired by fatigue;

And, it is equally important to require antilock brakes on big trucks in order to reduce truck jackknife crashes.

The facts clearly show that these measures work. They are the kinds of programs that we believe Congress should be paying attention to now in order to reduce the number of Americans dying in highway crashes. Thank you.

Mr. ANDERSON. Thank you, Mr. O'Neill.

Your suggestion on the study on drug use and so on would be received in the record.

Mr. O'NEILL. We have the critique. We had already prepared it, so I can give it to you at this time.

Mr. ANDERSON. Without objection, then, that will be made a matter of the record.

Mr. Lefkin.

Mr. LEFKIN. Thank you, Mr. Chairman. My name is Peter Lefkin, and I serve as Federal affairs counsel to the American Insurance Association. Accompanying me is David Snyder, who serves as counsel and secretary to the trade association's automobile committee.

I want to commend you, Mr. Chairman, as well as Chairman Howard for your strong interest in automobile safety. I also want to say that we are very pleased to be on the same panel as Brian O'Neill, who is president of the Insurance Institute for Highway Safety. AIA has been a longtime supporter of the Insurance Institute and is very proud of the very fine work done by Mr. O'Neill and his organization.

The issue of highway safety is a crucial one for us in the insurance industry. In 1986 insurers' automobile liability costs increased 17 percent over 1985, and we believe that the goal of reducing highway accidents is sound public and insurance policy.

Our interest, however, is beyond economics. Our claims adjusters review daily the carnage of our roads and the trauma that it leaves with the victims and the survivors. We were disturbed last year when Congress voted to raise the maximum speed limit to 65 miles per hour on rural interstates and then subsequently voted at the end of the Congress to allow 20 States to raise the speed limit on noninterstate rural highways.

Research conducted by the Transportation Research Board has indicated that the 55-mile-per-hour speed limit is estimated to save between 2,000 and 4,000 lives per year. Supporters of increasing the speed limit asserted last year that raising it to 65 would merely reflect the driving patterns which already existed and would not produce any appreciable increase in driving speeds.

Unfortunately, this is not the case, and information we have received from South Carolina has indicated that the percentage of vehicles going faster than 70 miles per hour during daylight hours on rural interstates has doubled since the speed limit was raised.

Preliminary data from NHTSA, albeit it controversial, has indicated that accidents are on the rise on these highways. To make matters worse, and perhaps contrary to logic, Federal enforcement sanctions apply to 55-mile-per-hour roads but not those with limits of 65 miles per hour.

We support a program which would reassess the Federal compliance process with the goal of making it apply equally to both 55-mile-per-hour and 65-mile roads. We also support placing more emphasis on higher speeds. Under the current law—and Mr. Donohue alluded to this—some one traveling at 56 miles per hour is counted the same as someone traveling at 70 miles per hour. This obviously does not provide incentives to safety.

The American Insurance Association applauds you, Mr. Chairman, for your interest in this matter, and we noted your statement on March 15 in which you said you were going to be doing something in this area sometime soon.

AIA also has been a very active participant in the effort to fight drunken driving and substance abuse. Public and legislative awareness about this problem has heightened in recent years, and we have indeed achieved some success in combating this problem. NHTSA has reported that the percentage of legal intoxicated drivers involved in fatal crashes in 1986 was 14 percent lower than the 1982 total. While obviously pleased by this progress and the even better job that we have done in preventing teenage-related alcohol accidents, we must not be complacent. AIA believes that this issue should receive strong public and political support at all levels of government. The effort must be seen as part of a long-term commitment to aim at changing societal attitudes.

Our trade association remains strongly supportive of NHTSA's 408 program, which is designed to encourage aggressive State action on this issue, including the enactment of laws in all 50 States establishing a blood alcohol level of 0.10.

I will now speak briefly about the issue of occupant protection. We support the use of seatbelts and child safety seats by all motor vehicle occupants, and our companies have been active in the passage of mandatory seatbelt use laws throughout the country.

We have also supported the inclusion of automatic restraints, which include airbags and automatic seatbelts in passenger automobiles. As a result of Federal motor vehicle safety standard 208, these safety devices are being phased into the marketplace. We believe that more must be done in educating the public on the benefits of airbags, especially since the three major domestic automobile companies have announced plans to install them in millions of cars in the next few years.

The American Insurance Association is also supportive of the commercial automobile legislation which recently passed the Senate. This bill would eliminate the commercial zone exemption and provide for the continuation of progress on better braking systems and for onboard recorders to monitor speed and driving time. We urge this committee to take action on these issues as well.

In concluding my remarks, I want to reiterate the American Insurance Association's commitment to making our roads safer for our citizens. Vehicle crashes in 1986 resulted in 46,000 deaths and 3.4 million injuries. This underscores the magnitude of the problem as well as the need for all proven techniques to attack it.

We again want to applaud the leadership role taken on this matter by you, Congressman Anderson, as well as Chairman Howard, and stand willing to assist both of you in your efforts to promote greater highway safety. Thank you.

Mr. **Anderson**. Thank you, Mr. Lefkin.

I have questions. My first question is directed to Mr. O'Neill, but, Mr. Lefkin, if you want to come in, go right on ahead.

Mr. O'Neill, you propose that administrative license revocation be legislated by the Federal Government. If so, by what means should the States be encouraged to enact such a law? Do you feel that an incentive grant program would be sufficient incentive?

Mr. **O'Neill**. I certainly don't anticipate or would not hope to see a Federal law preempting State laws in this area. But I think that anything the Federal Government can do to encourage the States to adopt the more effective laws aimed at that problem the Federal Government should seriously consider.

Sanctions, I know, have been controversial, so I think perhaps a program of rewards and incentives may be the way to go. But certainly, we do need more States to pass administrative license suspension or revocation laws.

Mr. **Lefkin**. We would agree with Mr. O'Neill, Mr. Chairman.

Mr. **Anderson**. Mr. O'Neill, what are the chances of tampering with onboard recorders by those who are most likely to need monitoring, and is there a remedy?

Mr. **O'Neill**. The problem of truck drivers driving too many hours is a very serious one. Our society is very concerned about drivers impaired by alcohol. I think we should be equally concerned about drivers whose skills are impaired or lost because of tiredness or fatigue.

Onboard recording devices will not eliminate the problem of drivers driving too many hours. We believe, however, that if they are required of the appropriate segments of the trucking industry, it would go a great deal toward reducing this very widespread problem.

We are concerned with the approach that the Federal Highway Administration seems to be taking, which is saying we will do this on a voluntary basis, because the history of highway safety is one of voluntary approaches not being very successful.

The reason for this is that the people that voluntarily adopt good safety programs, whether it be truck fleets or people who put on their seatbelts on a voluntary basis, are people or groups that are likely to be doing the right thing anyway. The drivers or the fleets that are routinely violating the hours-of-service regulations and doing it regularly are unlikely to voluntarily put a device on their trucks that will enable enforcement officials to detect these illegal behaviors. I think we should ask ourselves why would they be expected to voluntarily provide devices that would enable their illegal behavior to be more likely to be detected.

Mr. ANDERSON. Mr. Snyder.

Mr. SNYDER. Mr. Chairman, if I might. The history of these devices is that they are developing very rapidly, and as they get more sophisticated and more tamper-resistant, they tend to go down in price as well. It's the history of many electronic products that we are all familiar with.

More and more, however, the trucking industry is beginning to realize that not only do onboard recorders make sense from the safety standpoint but also from the standpoint of economics. We have heard statements in various industry meetings within the trucking industry that onboard recorders can pay for themselves within six months or less.

So, I think we are seeing a development in the right direction. And as the history with this and so many other things in safety proves, we need just enough incentive and just enough push at the Federal level to make sure that the progress continues.

Finally, we need to work with the perceptions of drivers in particular and show them that these devices are their friends, that these devices will back them up in accident investigations and in law enforcement investigations and will prove, in fact, that the driver has driven responsibly.

Mr. ANDERSON. Mr. O'Neill, what are the obstacles that currently exist to the installation of antilock brakes on all trucks of which you are aware?

Mr. O'NEILL. I would say that the current generation of antilock brakes is just becoming available in the United States. They have been available and widely used in Europe for some years now. And I believe that there is sufficient experience with these systems in Europe to begin rulemaking. And by beginning rulemaking, I don't mean that we should mandate them tomorrow, but I think it is time for the National Highway Traffic Safety Administration to recognize publicly what it has been saying privately for a long time: that the performance of big truck brakes in the United States is poor, and it needs to be greatly upgraded. I think they should begin rulemaking to require these devices for some point in the future when the production capabilities of the suppliers and the manufacturers can be geared up.

Mr. ANDERSON. In other words, do you believe that the Federal Government should require that these brakes be installed in commercial motor vehicles?

Mr. O'NEILL. Yes. At some point in the future I believe there should be a Federal requirement for all large trucks to have the kind of performance that is produced by antilock braking systems.

Mr. ANDERSON. Does anyone else wish to comment?

Mr. SNYDER. Mr. Chairman, if I might. As the ATA indicated earlier, we fully support Senate bill 861 as far as it goes at this point and believe that it's a very important piece of legislation. That kind of approach will be very helpful in keeping the progress on. We must work not only toward antilock brakes as soon as possible on all, at least new vehicles, at some point in the future, but also to improve the existing equipment that we have on existing trucks and the other parts of the braking equipment.

So, we think that we should move in the direction that Mr. O'Neill has indicated, but believe that S. 861 is an excellent beginning along that path.

Mr. ANDERSON. Mr. O'Neill, you state that roads other than 65-posted roads saw a decrease in the number of fatalities. What do you think the cause for the decrease in fatalities on other roads was?

Mr. O'NEILL. It's very hard to establish what has happened on the other highways just based on the statistics. What has happened statistically is that in the 22 States that raised the speed limit, deaths jumped up rather dramatically on the rural interstates but decreased by about 7 percent on all other roads.

There are many factors at work that have been pushing in the direction of reducing highway deaths. We have been increasing belt usage in the United States. We have been getting better laws at controlling drunken driving. There are many things that are pushing in the direction of progress. Unfortunately, the higher speed limits are pushing in the reverse direction.

Mr. ANDERSON. Does that mean, then, that in your estimation, if those roads posted at 65 had stayed at 55, there would have been fewer fatalities on those roads?

Mr. O'NEILL. I believe that it's a reasonable hypothesis that fatalities would have stayed about the same or perhaps even gone down on those roads had travel speeds stayed about the same. We have been in a situation in recent years where travel speeds have been tending to creep up, but what we have seen as a result of the 65-mile-per-hour speed limit is an abrupt jump up in travel speeds and with that abrupt jump up in travel speeds, a comparable abrupt increase in deaths.

Mr. LEFKIN. I was just going to say that we think it is unfortunate that the increased speed limit has probably nullified many of the benefits that have been received from the occupant safety protection features that we have been accomplishing in the States throughout the last 2 or 3 years.

It also has impacted very adversely against our efforts to combat drunken driving, and regrettably I think we will probably find ourselves in a situation where deaths on rural interstates might have actually declined were it not for this factor

Mr. ANDERSON. Mr. Lefkin, what do you believe has been the strongest deterrent to drunk driving which resulted in the large decrease in fatalities in 1982 to 1983, and do you see any indication that alcohol-related fatalities are increasing or beginning to increase?

Mr. LEFKIN. Well, Mr. Chairman, I think the greatest deterrent and what has worked so well is the fact that drunken drivers are being prosecuted at the State level, and the laws are being rigidly enforced and being made more severe.

Also, I think we should commend ourselves for a change in societal attitudes. Public education efforts have begun to take place and are bearing some fruit. Individuals are thinking twice, before they enter into their vehicles about how many drinks they have consumed, and I think, that, in combination with our increased enforcement activities, has produced some very positive benefits.

Mr. O'NEILL. Mr. Anderson, could I add a little to that?

Mr. ANDERSON. Mr. O'Neill.

Mr. O'NEILL. I agree with what Mr. Lefkin said, and there is good evidence that we made important progress in the early 1980's. The percentage of drivers involved in fatal accidents with high blood alcohol concentrations has dropped substantially from about a high point of 51 percent of all fatally injured drivers to about 43 percent. That is important progress.

Unfortunately, however, there are indications that this progress is leveling off because it has been running at 43 percent for the last couple of years, and the several years prior to that it was dropping each year. Going from 51 to 43 percent is an important gain, but 43 percent is still a serious problem. So, we have to renew our efforts.

Mr. ANDERSON. Mr. Lefkin, do you see insurance rates going up as a result of enactment of the 65?

Mr. LEFKIN. I would ask Mr. Snyder to respond to that, Mr. Chairman.

Mr. ANDERSON. Mr. Snyder.

Mr. SNYDER. The current insurance system has a series of carrots and sticks for safe driving. Unfortunately, however, each State has enacted legislation which creates an assigned risk plan, which means that despite our best efforts to police highway safety, there are severe limits. There are guarantees that people can go to these plans to get insurance, and frequently other policyholders subsidize the deficits that are run up by those plans.

But let me run through a couple of things for you. First of all, we do offer discounts on specific types of equipment because it is automatic, verifiable, and it doesn't rely on enforcement. The raw materials of insurance prices are insurance losses. We support anything that is effective in reducing the insurance losses, so that through regulation in the States with various kinds of prior approval and other types of control of insurance rates and through competition in other States, those prices can go down.

It would be regrettable if we are not successful in reducing the number of accidents and the number of fatalities and injuries that we currently have. While we have achieved at least some short-term stability in accident rates in deaths and injuries, in fact the cost of each one of those accidents inflates each year with health care costs and other accident costs.

So, if we are truly to see a long-term reduction or stability in auto insurance rates, we have got to make a significant reduction in auto accidents, fatalities, and injuries. And we support those things which this committee has done, and which this committee is looking to do in the future, that will reduce highway losses. We hope that we can respond to the public, and that you can respond to your constituents, that you have done something fundamental to prevent the accidents, and the deaths, and the injuries in the first place.

Mr. Anderson. My last question is directed, I guess, to any one or all of you. What would be your position on legislation that would require that trucks and buses be equipped in a way that they would be incapable of unreasonably violating the speed limit?

Mr. O'Neill. There is no question that speed limit control devices on big truck and buses can be very effective, and, as I am sure you are aware, Mr. Chairman, many truck fleets are doing that to their trucks for fuel conservation purposes. The fact is that trucks and buses operating at 55 consume a lot less fuel than trucks and buses operating at 65 or 70. The trucking industry, by and large, has recognized this. And that fuel savings more than offsets the extra time involved in getting from A to B.

Clearly, lower speeds means fewer accidents. So, controlling top speeds for trucks and buses can be a very effective way of reducing their involvement in serious crashes.

Mr. Lefkin. We would support legislation along those lines, Mr. Chairman. We think it would have a very beneficial impact on promoting safety on our roads.

Mr. Anderson. Thank you, Mr. O'Neill, Mr. Lefkin, and Mr. Snyder, for an excellent presentation.

Mr. Lefkin. Thank you, Mr. Chairman.

Mr. O'Neill. Thank you, sir.

[The prepared testimony of Mr. O'Neill and Mr. Lefkin follow:]

STATEMENT OF BRIAN O'NEILL

HEARING BEFORE THE U.S. HOUSE
OF REPRESENTATIVES, COMMITTEE
ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON
SURFACE TRANSPORTATION

SPEED LIMIT, OTHER ISSUES

MARCH 23, 1988

INSURANCE INSTITUTE FOR HIGHWAY SAFETY

WATERGATE 600, WASHINGTON, D.C. 20037 (202)333-0770

The Insurance Institute for Highway Safety is a nonprofit research and communications organization, supported by the nation's property and casualty insurers, that identifies and develops ways to reduce motor vehicle crash losses. I'm the Institute's president and, at this subcommittee's request, I'm submitting for the record information from the Institute on subjects ranging from speed limits to alcohol-impaired driving and onboard recorders for big trucks.

Effects of 65 Mph Speed Limit

Forty states have raised speed limits on rural interstates to 65 mph during the past year. As a result, speeds have escalated well beyond 65 -- and highway deaths are going up, too, right along with travel speeds.

In 22 states where speed limits were raised from 55 to 65 mph last year, deaths on rural interstates during May-July jumped dramatically, increasing 31 percent compared to the average for the same months in the previous five years (Figure 1). This increase is much greater than can be explained by normal year-to-year fluctuations. It's an even more striking increase when you realize that deaths on other roads actually decreased seven percent.

Evidence of increasing travel speeds under 65 mph speed limits comes from New Mexico, the first state to adopt 65. A week after speed limits were raised, our data indicated that only five percent of the passenger cars on New Mexico's rural interstates were exceeding 70 mph. By August 1987, 10 percent were exceeding 70. As late as December, speeds had escalated further -- 23 percent of the passenger cars were exceeding 70 mph (Figure 2). And just last month, 20 percent were still exceeding 70. Thus, the proportion of passenger cars going faster than 70 mph on rural interstates in New Mexico has doubled since August and quadrupled since last April, when speed limits were raised.

We're finding a similar pattern in South Carolina, where speed limits on rural interstates were raised to 65 mph last July. The percentage of vehicles exceeding 70 mph in South Carolina was twice as high in January as it was before July when the speed limit was still 55. Meanwhile, in neighboring Georgia where the limit on rural interstates remained 55 mph until very recently, the proportion of motorists exceeding 70 didn't change much (Figure 3). Now that the speed limit has been raised in Georgia, though, a pattern similar to the one in South Carolina can be expected there, too.

What's already happening in South Carolina, New Mexico, and elsewhere is the direct consequence of raising speed limits. And, contrary to many claims made before this subcommittee a year ago, 65 mph speed limits are not proving easier to enforce than 55. Many motorists will exceed the speed limit, no matter what it is, so setting 65 mph limits means more motorists will go 70 or even faster unless enforcement becomes much more effective.

Present enforcement isn't deterring many motorists from exceeding 70 mph and, while it may be politically impossible to reinstate lower speed limits, it isn't impossible to establish meaningful speed compliance requirements to encourage effective enforcement and prevent unsafe speeds from becoming commonplace. This is the direction Congress should take.

Compliance Requirements for Speed Limits

Advocates of returning control of speed limits on interstate highways to state officials claim that highway and traffic conditions vary considerably throughout the country. Local officials know their roads best, this argument goes, so they should be allowed to set maximum speeds. The fact is, though, that federal officials set the same basic design standards for interstate highways everywhere. Most rural interstates were built to a design speed of 70 mph. This is the maximum safe speed under ideal conditions, the speed that should never be exceeded.

It's not logical to have compliance requirements related to posted speed limits that vary from state to state, because speeds above 70 mph are unsafe everywhere. It would be possible -- maybe even probable -- that states with 55 mph limits would have more motorists exceeding the speed limit by a few miles an hour, but they'd have far fewer traveling at 70+ mph, than states with 65 mph limits. Thus, if sanctions were related to posted speeds, the states with the safer travel speeds could illogically be subject to sanctions, while those with faster travel speeds might not be subject to sanctions at all.

Instead, sanctions should be adopted that encourage states to keep to an absolute minimum the proportion of motorists exceeding the design speed of 70 mph. Posting rural interstates with 55 mph speed limits is one way to do this. But, in states that post 65 mph limits, it's clear that much more effective enforcement is needed to keep travel speeds below 70.

Laws Against Alcohol-Impaired Driving

Another highway killer -- besides speed -- is alcohol-impaired driving. Everybody wants to reduce crashes caused by impaired drivers. The question has always been, how? What works? What will keep a person who's impaired from getting behind the wheel?

During the early 1980s, legislators across the country passed more than 700 pieces of new legislation aimed at alcohol-impaired driving. New laws were enacted, old laws toughened, and enforcement was stepped up. At about the same time, deaths in crashes involving alcohol declined. Until now, though, there's been no evidence that the decline in alcohol-related highway fatalities had anything to do with the new laws and, more importantly, whether some types of laws are more effective than others.

Now we do. Researchers at the Insurance Institute for Highway Safety have evaluated three types of state laws aimed at reducing impaired driving and estimated that 1,600 drivers were kept out of fatal crashes in 1985 because of the new laws. Another 2,600 drivers probably wouldn't have been in fatal crashes if all states had similar laws. This Insurance Institute for Highway Safety study, released last week, is the first systematic look at the relationship between various new laws aimed at impaired driving and reductions in highway fatalities.

The most effective of the three types of laws we studied is the one requiring administrative license suspension immediately after failing or refusing to take a breath test for alcohol. This kind of law reduces driver involvement in fatal crashes by about nine percent during the nighttime and early morning hours when alcohol involvement is especially high. But, successful as it is, this kind of law isn't yet widespread. As of now, only 22 states and the District of Columbia have administrative license suspension provisions.* What's needed is more state laws of this kind.

On-Board Recorders for Big Trucks

Tired drivers can be just as impaired as those who've consumed alcohol, and fatigue has long been a serious problem among long-distance truck drivers. Recognizing this, the Federal Highway Administration limits the maximum time interstate truckers can work to 10 hours following 8 hours off duty and 60 hours in any 7 consecutive days. But these federal regulations are routinely ignored -- a fact that's been documented so often and so clearly that it's old news. In fact, when it comes to regulations designed to keep fatigued truckers off the road, we're about where we were a decade ago with laws against alcohol-impaired driving. That is, the laws are on the books but they aren't effective because of poor enforcement.

Jurisdictions with administrative license suspension/revocation laws as of January 1988: Alaska, Arizona, Colorado, Delaware, District of Columbia, Illinois, Indiana, Iowa, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Utah, West Virginia, Wisconsin, and Wyoming.

Technology does exist to help highway officials more effectively enforce federal hours-in-service regulations. Yet, instead of taking decisive action to require the use of technology that would stop abuses of these regulations, the Federal Highway Administration this month took only a tiny step forward. Merely permitting truck and bus operators to use on-board recorders, as the agency is proposing to do, is far from sufficient because many drivers will continue to drive longer hours than is safe. They'll continue to use handwritten logbooks, which they'll regularly falsify. This is especially true for the very truckers who routinely violate current recordkeeping rules, because they'll be the last to voluntarily use the recorders that would detect their crimes.

Requiring on-board recorders is the action that's needed, but they're not going to be required in the foreseeable future because of what the Federal Highway Administration calls "the possible purchasing, financing, and servicing disruption resulting from a mandate." This policy is in direct contrast to those in Europe where a version of on-board recorders -- tachographs -- has been required for 30 years. Only when recorders are required, not merely permitted, in the United States will enforcement officials have the means to monitor effectively how long truck drivers spend behind the wheel.

Antilock Brakes

Another, equally important big truck safety measure is one that would reduce jackknifes. Tractor-trailer jackknifes are commonplace, especially in bad weather. But they don't have to happen nearly as often as they do. The short videotape I have with me today explains how truck jackknifes could be avoided [SHOW VIDEOTAPE HERE].

Antilock brakes do make sense because they keep the wheels on tractors and trailers from locking up. They minimize stopping distances while maximizing driver control. This is why so many motor carriers in Europe already equip their fleets with antilocks, why they've been doing so for years, and why many European carriers say they haven't had a single jackknifing incident since they started using antilocks. Tractor-trailers in this country should have antilock brakes, too. They should be required on big trucks as soon as possible.

Conclusion

The points to remember from my testimony today are these: Where speed limits are higher, enforcement has to be more effective in order to keep very high travel speeds from becoming the norm. We should be immediately taking away the licenses of people who are caught driving while impaired by alcohol. Just as quickly, we should require on-board recorders to keep big truck operators off the road when they're impaired by fatigue. It's equally important to require antilock brakes on big trucks in order to reduce truck jackknifing.

The facts clearly show that these measures can work. They're the kinds of programs that Congress should be paying attention to now in order to reduce the number of Americans dying in highway crashes.

Fig.

DEATHS

On Rural Interstates in 22 States Where Speed Limits Were Raised to 65 mph

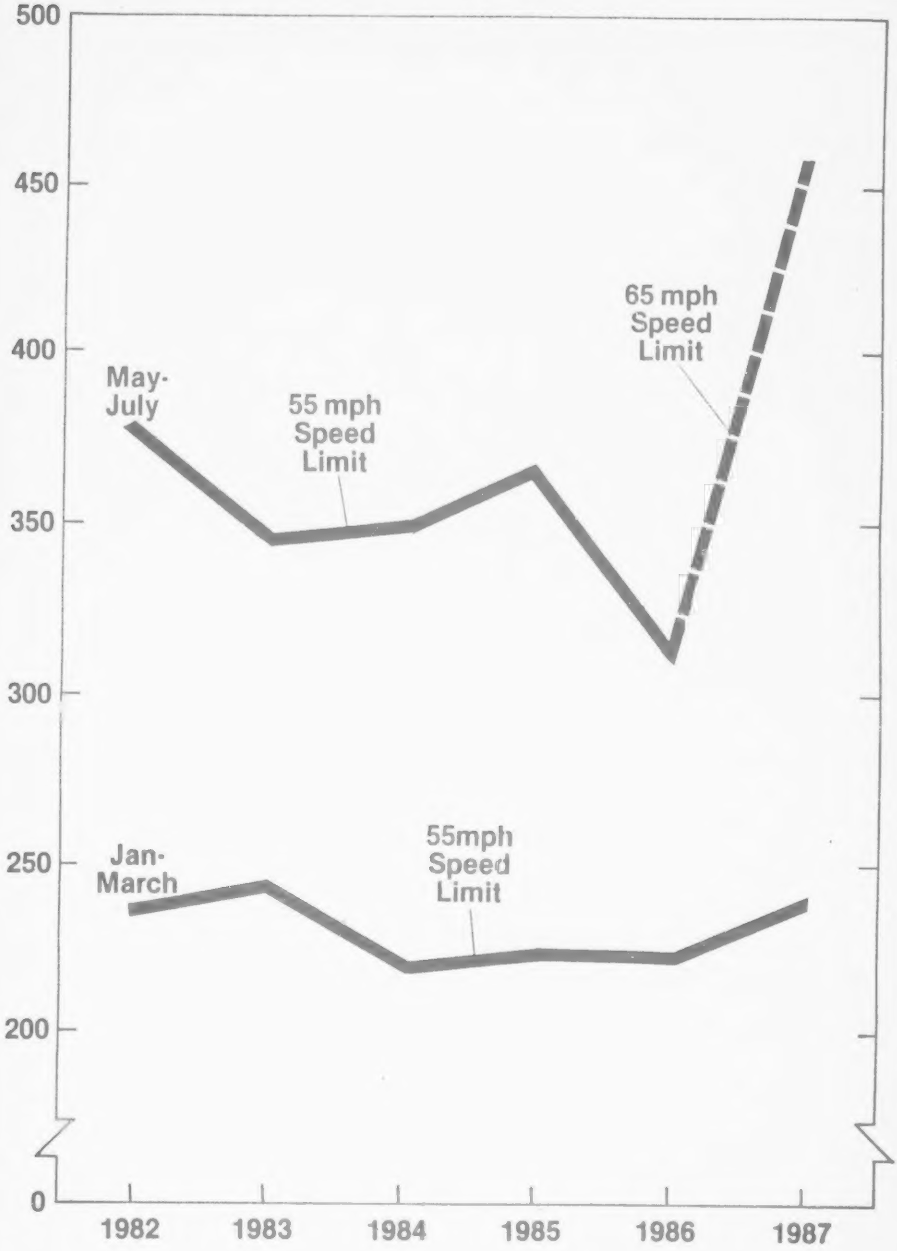
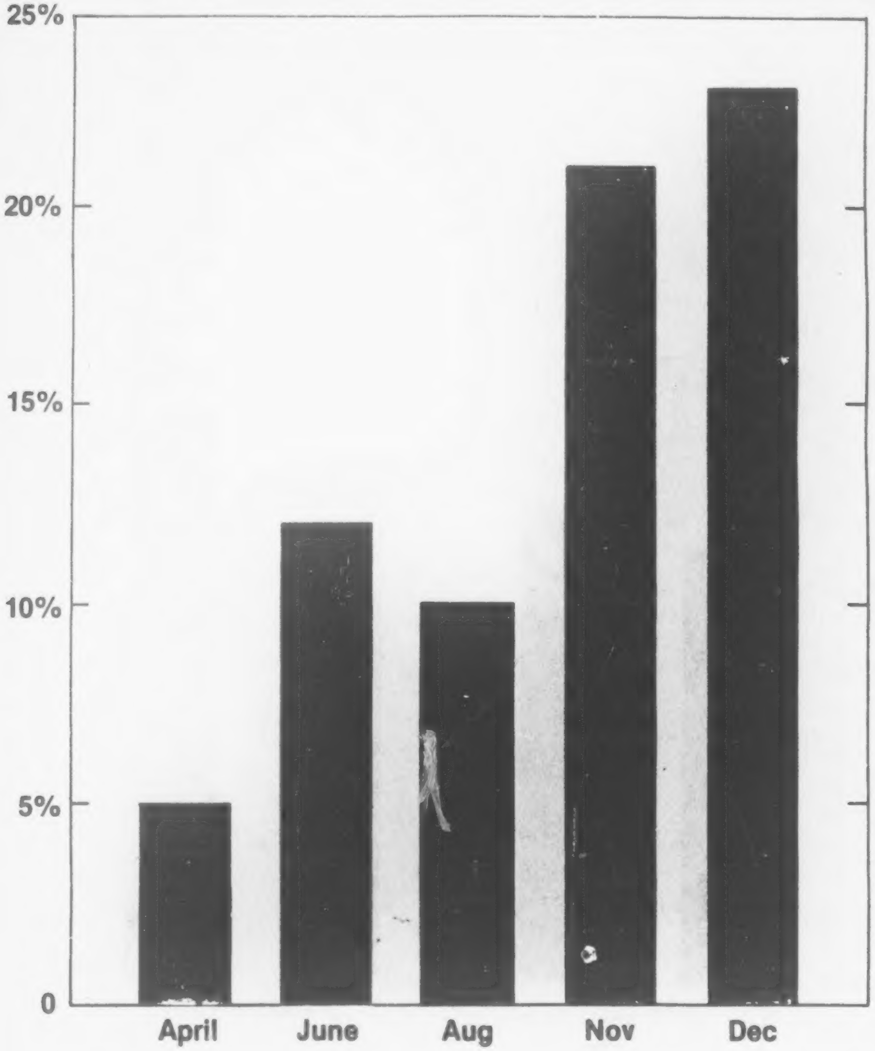


Fig. 2

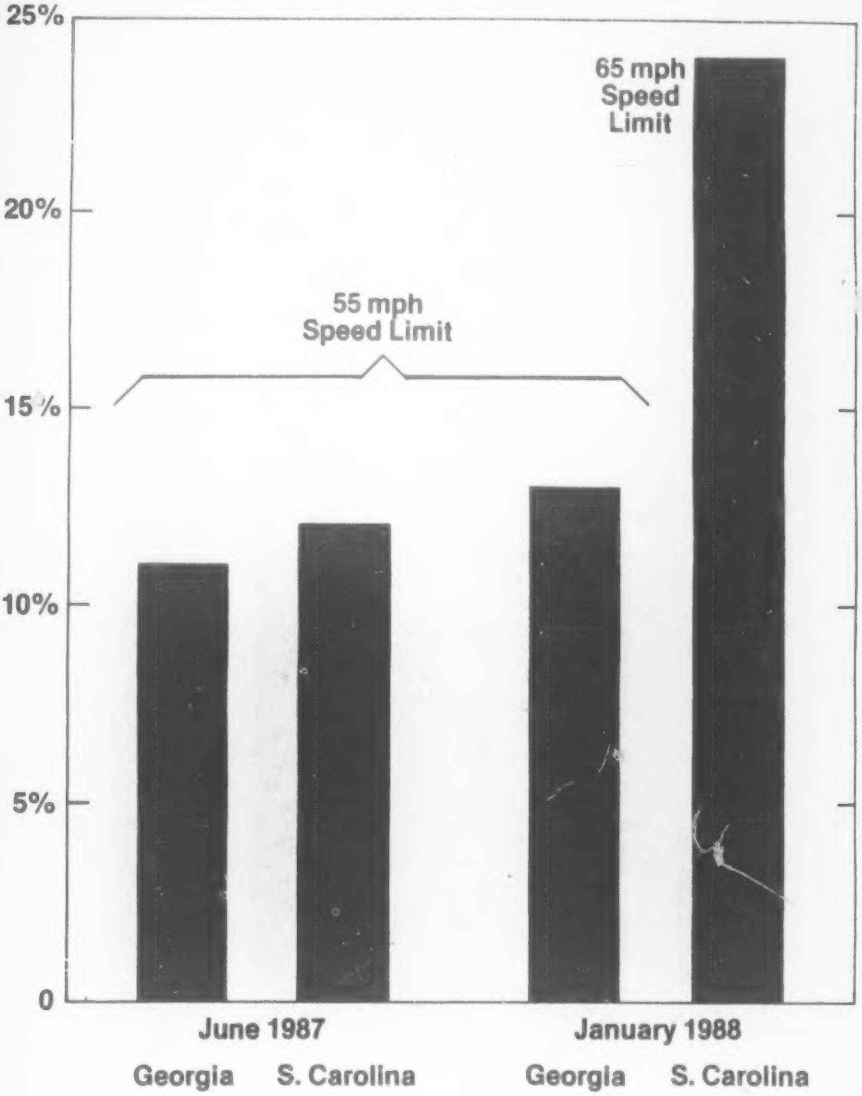
SPEEDS

Percent of Cars Exceeding 70 mph on Rural Interstates in New Mexico, 1987—65 mph Speed Limit



SPEEDS

Percent of All Vehicles Exceeding 70 mph on Rural Interstates, Daylight Hours



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"A Critical [illegible]
'Drug Use by [illegible]
Drivers'" by [illegible]

By [illegible]

[illegible]

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Dr. Patricia Getson's "A Critical Review of 'Drug Use by Tractor-Trailer Drivers'" raises a number of essentially false issues concerning the sampling methods and toxicological analyses employed by Lund et al. to survey drug use by tractor-trailer drivers.

To recap the findings of the original study, researchers collected blood and/or urine samples from 317 of 359 randomly selected male tractor-trailer drivers at a truck weighing station on Interstate 40 in Tennessee. They found evidence of marijuana use in the body fluids of 15 percent; cocaine in 2 percent; prescription stimulants like amphetamines in 5 percent; and nonprescription stimulants like over-the-counter diet pills in 12 percent. Alcohol was found in less than one percent. Overall, 29 percent of the truck drivers participating in the study had taken drugs with potential for abuse.

Dr. Getson's major concern is that the samples researchers collected weren't random, so generalizations should not be made from the study. As stated in the methods section of the research report, selecting the next truck to arrive at the weighing station is an essentially random event. It achieves the goal of randomness because the arrival of the next truck is unrelated to the likelihood that the driver used drugs or alcohol.

There's no reason why the study's findings shouldn't be representative of the population of medium to long-distance tractor-trailer drivers. Moreover, this study is one of the first in which researchers collected unannounced samples from a group of truck drivers, so the data are more representative of on-the-road drivers than data collected with employment applications, at employment interviews, or at pre-announced testing times. And, although a sample of male tractor-trailer drivers on one highway in Tennessee may not be precisely representative of all truck drivers in the United States, the fact that a substantial percentage of drivers in the study had taken drugs raises important policy questions.

From a policy standpoint, it matters very little whether a national estimate of tractor-trailer driver involvement in drugs is precisely 29 percent. Even if it's 10 or 20 percent, it's clear that a serious problem exists. It's illogical to dismiss the current survey results because of sampling factors that might produce a slightly different national estimate.

Getson is also wrong in implying that the findings are meaningless because drug incidence among truck drivers may not be different from other drivers. This ignores the fact that society must hold professional truck drivers to higher standards of drug use while they're on the job -- especially because the victims of truck crashes are overwhelmingly other road users. It also ignores the fact that virtually all employers expect employees to be drug free in the workplace -- especially transportation workers whose jobs affect the public safety. If a similar study of airline crews found some degree of drug use, but the sampling was not strictly random, would Getson claim that the findings have no relevance for public policy?

Time of Day

Getson also quibbles about the times of day when the samples were taken. The following table shows the sampling time and the incidence of drugs in body fluids for six-hour periods of the day. To the extent that drug incidence varied at all by time of day, the lowest incidence (24 percent) was found for the time period with the most sampling hours. The highest incidence (39 percent) was found for the time period with the fewest sampling hours. If anything, the sampling strategy may have underestimated drug incidence.

Time Period	Sampling Hours	Percent With One or More Drugs	Percent with Alcohol, Marijuana, Cocaine or Prescription Stim.
Midnight-6:00 a.m.	14	31	22
6:00 a.m.-Noon	6	39	28
Noon-6:00 p.m.	16	30	18
6:00 p.m.-Midnight	18	24	18

Drug Testing Procedures

Dr. Getson lacks expertise in the area of toxicological testing. As a result, her comments indicate considerable misunderstanding of the study's testing procedures and results. For example, she mistakenly equates "confirmation" with "quantitation" and thereby incorrectly dismissed two positive urine tests for marijuana metabolites that were confirmed by high performance thin layer chromatography, a non-quantitative procedure but one that is chemically independent of the EMIT screen.

Dr. Getson also misunderstands the relationship between urine test results and blood/serum test results. Generally, evidence of substance use is detectable in urine long after its concentration in blood or serum falls below detectable levels. As a result, the researchers were able to confirm through blood analyses some positive urine screens for marijuana when there was too little urine for a confirmatory test. Specifically, of nine cases with unconfirmed positive results for marijuana in urine (insufficient urine for confirmation), eight had provided blood samples, of which four tested positive for marijuana metabolites by radioimmunoassay confirmed by GC/MS. (Dr. Getson miscounts these cases in Appendix I and claims that only three of eight were confirmed.)

Because of the relationship between urine and blood concentrations of substances, these tests offer indirect but positive proof of the accuracy of four of the nine unconfirmed EMIT tests. However, the negative blood results for four of the drivers does not prove that the EMIT tests for urine were incorrect, only that concentrations of marijuana metabolites in blood (if any) were below detectable thresholds. The more meaningful measure of the accuracy of the two independent EMIT tests for marijuana is given by the fact that in all 34 cases where there was insufficient urine for confirmation by alternative tests, confirmation was achieved.

This perfect confirmation of EMIT tests by alternative tests where possible was the researchers' justification for treating the five cases with only two independent EMITs as confirmed cases (in urine, not serum, as stated by Dr. Getson). These findings are fully documented in Appendix I, as well as explained in the methods section.

Miscounting and Double Counting

Dr. Getson's assertion that the researchers miscounted cases by double-counting those with multiple drugs is incorrect. Her count differs from that of the researchers because, for unexplained reasons, she decided not to count certain cases. For example, she claims that only two cases were confirmed for marijuana use in urine only. This may reflect her misunderstanding of the standard test procedures described above but, as shown in Appendix I of the research report, eight cases, not two, were confirmed in urine only, even excluding the five cases with only two independent EMIT tests for marijuana in urine.

A cursory review of Appendices I and II reveals a total of 88 drivers with at least one of the following substances confirmed in blood or urine: marijuana, amphetamine, methamphetamine, phentermine, phenylpropanolamine, ephedrine, or pseudoephedrine. There were three additional drivers with alcohol and/or cocaine, for a total of 91 drivers confirmed as using at least one of these substances. These drivers are 29 percent of the 317 drivers who provided blood or urine. No drivers were counted more than once, no matter how many drugs were found.

Dr. Getson undercounts partly because she includes only those stimulant users who were positive in both blood and urine, while the researchers counted positives in either or both. Getson's reasons for this are not presented but, clearly, the mismatch of numbers is due to this issue, not miscounting.

Reasonableness of Findings

The study, "Drug Use by Tractor-Trailer Drivers," has been accepted for publication in the Journal of Forensic Sciences, which subjects all articles, including this one, to review by experts in the field of toxicology. Reviewers found the methods of this study scientifically sound and the interpretations reasonable.

In fact, the researchers' estimates of drug incidence among tractor-trailer drivers may be conservative. Getson points to confounding variables, mentioning specifically that truckers who refused to be tested might have done so because they had something to hide. This would suggest an understatement, not an overstatement, of the incidence of drug use.

STATEMENT OF THE AMERICAN INSURANCE ASSOCIATION

PRESENTED BY PETER LEFKIN, COUNSEL

ON HIGHWAY SAFETY ISSUES

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,

SUBCOMMITTEE ON SURFACE TRANSPORTATION

MARCH 23, 1988

American
Insurance
Association

The American Insurance Association is a national
trade organization of casualty insurers.

PROFILE

The American Insurance Association is a full-service trade organization of casualty insurance companies. In its present form, the association combines three earlier organizations. One of those, the former National Board of Fire Underwriters, was organized in 1866, making it one of the oldest trade associations in the nation.

The various departments provide members with up-to-date intelligence on legislative, regulatory, judicial and technical developments relating to our industry. The AIA also maintains liaison with insurance regulators, federal and state lawmakers, other state and federal government officials, insurance and non-insurance industry groups and media—supplying information and assistance on issues of mutual concern.

A countrywide system of regional offices and local legislative counsel ensures prompt and rigorous attention to casualty insurance matters. At the same time, technical specialists from disciplines as diverse as law, economics and engineering educate members and outside publics on developments that may affect the industry and its services to the insurance-buying public.

As a property-casualty insurance trade association whose 188 members write approximately $12.5 billion in private passenger and commercial automobile insurance premiums annually or about 16.73% of all the automobile insurance in the United States, the American Insurance Association (AIA) has a strong humanitarian as well as significant economic interest in reducing traffic accidents. Reduction of these accidents not only means less human suffering, but it is important to controlling the costs underlying the automobile insurance system. Safer vehicles, roadways and driving habits mean reduced losses, which in turn are reflected in insurance rates.

In 1986, private passenger automobile insurance liability losses and related expenses increased 17% over 1985 and another 14% through the third quarter of 1987. Insurers paid out $33,351,000,000 in private passenger automobile liability losses for the twelve months ending in September 1987 (Source: A.M. Best and Company, Oldwick, New Jersey). These figures show the tremendous economic effect that automobile accidents have on our society and underscore the need for the continued improvement of safety on our nation's highways. Further, the cost of each automobile accident will continue to increase because underlying costs relating to health care, settlement of disputes and auto repairs are climbing. To counterbalance these effects, we must all work to significantly reduce highway deaths and injuries. A goal of reducing highway accidents is sound public, economic and insurance policy.

SPEED LIMITS

For these reasons, AIA was proud to join with other members of the insurance, safety and health communities in 1987 in support of retention of the 55 mph speed limit. Research by the Transportation Research Board had indicated that the 55 mph speed limit was estimated to save 2,000 to 4,000 lives per year, a slightly greater number of severe injuries, and between 35,000 and 62,000 lesser injuries per year. In addition, estimated cost reductions to taxpayers for medical and welfare assistance programs were $65 million per year, with an added bonus savings of about 167,000 barrels of oil per day. Our association, therefore, was very disturbed when Congress voted to permit states to raise the maximum speed limit to 65 mph on rural interstates and then subsequently allowed up to twenty states to raise the speed limit on non-interstate rural highways meeting interstate standards, as part of a four year pilot program.

Although it was common knowledge that many motorists were violating the 55 mph speed limit, we feared that this would also be the case for the new 65 mph limit, thus increasing the likelihood for more accidents, deaths and injuries. Preliminary data from the National Highway Traffic Safety Administration, although controversial, indicate that accidents are on the increase on 65 mph highways. And research by the Insurance Institute for Highway Safety shows that speeds are increasing: for example, the percentage of vehicles going faster than 70 mph during daylight hours on rural interstate highways in South Carolina doubled after raising the limit to 65 mph.

Enforcement

With the increase to 65 mph, enforcement of speed limits has become more important than ever. As mentioned above, many drivers are exceeding the new limit just as they did the old, but these new speeds are equal to or greater than the design speeds on many rural interstates. At least with the legal limit at 55, the majority of motorists drove below 65 mph.

To further exacerbate the problem, Federal enforcement sanctions apply to 55 mph roads but not to those with limits of 65 mph. As a result, states today still must present evidence that at least fifty percent of their motorists are obeying the limit on 55 mph highways but no such requirement is in effect for the newly designated 65 mph roadways. Unless this inequity is remedied soon, it is likely to encourage states to raise speed limits to 65 mph simply to avoid the risk of losing Federal highway funds. Initial statistics indicate that this will only result in even more deaths and injuries.

Federal Compliance Process

There also appears to be a strong consensus that the current Federal compliance process for 55 mph highways is flawed. There is no emphasis on higher penalties for higher speeds--for compliance purposes, a person travelling 56 mph is counted the same as one travelling 70 mph. The General Accounting Office concludes that the process "does not correspond with the broader congressional goal of improving highway safety." AIA agrees and strongly encourages the Congress to reassess and to proceed with the goal of making enforcement more equitable for both 55 mph and 65 mph highways while at the same time emphasizing safety.

Radar Detectors

The members of the American Insurance Association are also very concerned about the widespread use of radar detectors by motorists. Unlike citizen band radios, which can have an important communications function in emergency situations, these detectors serve only one purpose--to facilitate violation of the law. Since higher speeds are known to cause more frequent and more serious accidents, our association believes that the use of these dangerous devices that interfere with enforcement of the laws of highway safety should be prohibited.

Recommendations

As a legislative ideal, we at the American Insurance Association would like to see a return to the sound public policy of a national maximum speed limit of 55 mph. Due to the current political climate, however, we realize that it may not be possible to turn these limits back at this time. The Congress and state legislatures have spoken on this issue, but we are convinced that higher speed limits will lead to more accidents, more severe injuries and correspondingly higher insurance prices. Since initial statistics indicate that this is indeed happening and that violations of the new maximum limits are increasing, we urge increased emphasis on enforcement by the states, including a prohibition on the use of radar detectors. We also strongly urge the Congress to reassess the current Federal compliance process with the goal of making it apply equally to both 55 mph and 65 mph highways as well as placing more emphasis on higher speeds. Toward this end, we applaud announcements by chairmen Howard and Anderson that they intend to introduce legislation addressing these issues. We also salute Representative Kennelly for the concern she has demonstrated to this matter.

DRUNK DRIVING

As active participants in the anti-drunk driving movement over the past years, our association was heartened to hear from the National Highway Traffic Safety Administration that the percentage of legally intoxicated drivers involved in fatal accidents in 1986 was 14 percent below the 1982 total. In addition, involvement by teenage drivers ir alcohol-related accidents declined 26 percent during this same time period. This is most welcome news and is a credit to the hard work and dedication of many people in all segments of our society.

We must not, however, allow ourselves to become complacent with these successes. Our members fear that any relaxation of effort will indicate to the American public either that the problem has been solved or that the effort was just a passing phase. If this happens, we predict that fatalities and injuries will begin to increase, thus jeopardizing many if not all of the impressive gains to date.

Although the members of the AIA believe that a successful anti-drunk driving campaign should be community-based, we feel that it should receive strong public and political support at all levels--local, state, and national. Additionally, it should be adequately financed and should address all aspects of enforcement, adjudication, education, treatment and public awareness. The continuing effort must also be seen as part of a long term commitment aimed at changing social attitudes. Toward this end, our association continues to strongly support NHTSA's 408 program to encourage aggressive state action on this issue, including the enactment of laws in all fifty states establishing a blood alcohol level of .10 as a per se violation of the law and providing for the administrative suspension or revocation of driver licenses of those persons whose blood alcohol content has been proven to exceed permissible levels.

As evidenced by recent statistics, the American public has begun to show significant support for drinking driver deterrence. Efforts by many, including citizen activists, private industry and government leaders have had an important impact. But much remains to be done to reshape public attitudes regarding the difference between social drinking and driving and impaired driving. We realize that it will take time, and the problem may never be completely cured. Obviously, the task before us is not an easy one; yet, the American Insurance Association and its members are committed to this effort and will continue to work hard in the fight to reduce the horrible tragedies on our nation's highways. We urge the Congress to continue its support as well.

OCCUPANT PROTECTION

The American Insurance Association wholeheartedly supports the use of seat belts and child safety seats by all motor vehicle occupants, and our staff and member companies have been active in the passage of mandatory seat belt use laws across the country. NHTSA surveys show that usage is up and lives are being saved. This is indeed good news.

In addition to supporting safety belt use, our members have encouraged the inclusion of automatic restraints (air bags and automatic seat belts) in passenger automobiles for many years.

As a result of Federal Motor Vehicle Safety Standard 208, these safety devices are being phased into the marketplace but there has been little public education about them to date. Manufacturers' designs of automatic seat belts vary, and the only way to achieve wide acceptance is through education and publicity. Additionally, the public is not well educated on the benefits of air bags. Since many manufacturers--including the three largest domestics--have announced plans to install millions of air bags in new cars over the next several years, we believe these devices deserve the same encouragement as safety belts. We hope the Subcommittee will agree and will urge the Department of Transportation to actively pursue an effective public education campaign relating to automatic restraints.

COMMERCIAL MOTOR VEHICLE SAFETY

Medium and heavy truck accidents claimed 5,657 lives and caused 171,232 injuries in 1984, accounting for 12.8% of all fatalities on the nation's highways during that year. In addition, 22.1% of occupant fatalities resulting from multi-vehicle collisions occurred in accidents involving medium and heavy trucks. The U.S. Department of Transportation has concluded that medium and heavy truck accidents are unusually lethal. More often than not, it is other highway users, with whom trucks share the highways, that are the victims in these accidents.

This Committee can be proud of the work that it started in the last Congress to help assure safer commercial motor vehicle operations, with particular emphasis on the driver. The enactment of the Commercial Motor Vehicle Safety Act of 1986 was a giant step in the right direction, and we urge the Committee to maintain its oversight on implementation activities to make sure that it is fully, promptly and effectively enforced.

But there remain other aspects of this important highway safety problem which we respectfully urge you to quickly address. For maximum results, we need to combine safer vehicles and safer roads with safer drivers. The Senate has passed legislation which eliminates commercial zone exemptions and provides for the continuation of progress on better braking systems, including anti-lock brakes, and on-board recorders to help monitor speed and driving time and to save on fuel. We urge the Committee to take similar action on these three issues, and to also consider providing for standardization of brake replacements parts and certification of brake mechanics, all of which recognize that one third of all truck accidents may have brake systems as a contributing factor.

CONCLUSION

According to the National Highway Traffic Safety Administration, motor vehicle crashes cost Americans more than $74 billion in 1986. There were more than 46,000 deaths, 3.4 million injuries, and 45 million damaged vehicles during the year. These figures underscore the magnitude of the highway safety problem before us and the need to use all proven techniques to attack it. The enactment and strict enforcement of laws dealing with speed limits, drunk driving, occupant restraints, and commercial motor vehicle safety combined with increased public awareness will help reduce both human suffering and insurance costs. The American Insurance Association applauds the leadership role taken on this issue by chairmen Howard and Anderson. They have done the nation a great service by continuing to focus upon the critical need to improve our highway safety record. We stand willing to assist the Congress in this task and we urge you to pursue programs which will have the effect of making highway travel safer for all Americans.

Mr. **Anderson**. Our next witness is Dennis Smurr, associate director of advocacy, Paralyzed Veterans of America.

We have your prepared statement. It will be made a matter of the record in its entirety. You may proceed.

TESTIMONY OF DENNIS SMURR, ASSOCIATE DIRECTOR OF ADVOCACY, PARALYZED VETERANS OF AMERICA

Mr. **Smurr**. Thank you, Chairman Anderson.

Chairman Anderson—and I was hoping to have more members of the committee present—but it is both an honor and a privilege for me to present to you the comments and concerns of the Paralyzed Veterans of America regarding H.R. 3840 and H.R. 1442, bills to amend chapter 4 of title XXIII of the United States Code to provide for a uniform national system of handicapped parking for persons with disabilities.

At the outset I would like to thank Congressman Gejdenson and Congressman Luken, for the legislation and the ranking minority member of the Public Works Committee, Congressman Hammerschmidt, for the kinds words he gave me this morning.

I am Dennis Smurr, associate director of advocacy for PVA, and today I speak not only for the members of PVA, but my statement carries the endorsement of the National Easter Seal Society and the Transportation Task Force of the Consortium for Citizens with Developmental Disabilities. The Consortium is comprised of 50 national consumer, service provider, and professional agencies which advocate on behalf of citizens with a wide range of disabling conditions.

PVA, the National Easter Seal Society, and the CCDD Transportation Task Force are very appreciative of Mr. Luken's concern for the handicapped parking provision, as contained within the Senate-approved bill S. 8553. And we are grateful for his leadership in recreating section 303 of that bill for your consideration today as H.R. 3840. We trust, Mr. Chairman, that you too will see the need for this legislation and will incorporate it into a bill of your design and help us expedite it through the House and back to the Senate for enactment into law sometime yet this session.

I ask that my prepared statement be incorporated into the record.

Mr. **Anderson**. Your prepared statement is a matter of the record in its entirety.

Mr. **Smurr**. Thank you very much, sir.

I would like to use the remainder of my time to address some of the concerns that were expressed this morning.

I would like to state that I have worked on this issue of handicapped parking for almost 6 years now. It has kind of been my pet project. I have not devoted my entire time to it, but whenever time will permit in the office, I try to work on handicapped parking. In fact, some of my coworkers call me "HP" for short because I spend so much time on handicapped parking.

You might say I have become an expert by default. I have worked with the American Association of Motor Vehicle Administrators in helping to bring about a more uniform acceptance of the international symbol of accessibility in the 50 States. I have gotten approval for the use of that symbol by the American Association of Motor Vehicle Administrators. I have also gotten the approval of the National Sheriffs Association and the International Order of Chiefs of Police. We have worked together in trying to get the international symbol of access adopted by the 50 States as the only symbol to be used to recognize people who have need to use handicapped parking spaces.

I had the pleasure of helping draft the language that was incorporated in the congressional resolution that became part of Public Law 98-78 in 1983 that specifically asked the States to bring about more uniformity in their handicapped parking regulations. I helped put together model regulations, which are part of my prepared statement as addendum four, which we sent out to each of the 50 States. We sent our model regulations to the Governors' committees on Employment of the Handicapped for their interaction with the State legislatures as they would have an opportunity to interact. Model regulations, we thought, would bring about the needed uniformity of handicapped parking regs so we would not have this problem of a lack of reciprocity existing between the 50 States.

I have also worked with the National Committee on Uniform Traffic Laws and Ordinances in 1984 to help draft a uniform definition of disability. I worked with that committee at that time because I felt the definition of handicapped was the primary reason that States were not honoring other States' handicapped placards or license plates. Many States have a differing definition of what constitutes mobility impairment. So, I thought if we could work with the NCUTLO to come up with a uniform definition, then we could get at the very essence of the problem.

NCUTLO, after I made my presentation and they accepted it, amended my definition. Sometime after my leaving that organization's annual meeting, they amended it to a definition that is highly unacceptable to me as an individual and I think would also be unacceptable to the States once they see it as part of the uniform vehicle code.

What I am saying, sir, is that the legislation that is being presented to you today is very much needed because all past efforts as far as trying to bring about voluntary compliance—not compliance, but voluntary uniformity—have failed.

So, we are coming to you today because this committee and the Federal Government are the coordinating agency for the 50 States. And I think the legislation being presented is a very good vehicle to get the States' attention, to raise the level of awareness of the need to bring about uniformity in handicapped parking, especially as it relates to those people who have need to travel from one State jurisdiction to another.

I would like to point out that the States in general have done a good job in addressing the need for handicapped parking within the State. And I would like to point out, sir, that I did a brief analysis of the handicapped parking regulations of the States represented by this particular subcommittee. As the DOT study pointed out, only 15 States out of the 50 States grant total reciprocity. By total reciprocity, I mean the State will honor the handicapped parking license plate and/or placard as issued by another State, granting the operator of that vehicle the use of the handicapped parking spaces as provided within the State.

I can quickly list those States. They are: Arkansas, Colorado, Georgia, Iowa, Kentucky, Massachusetts, Minnesota, Nevada, New York, North Carolina, Vermont, Washington, Wisconsin, and Wyoming.

Of those 15 States, I think the subcommittee should be honored by the fact that six of those States are represented on this committee.

Mr. ANDERSON. Mr. Smurr.

Mr. SMURR. Yes.

Mr. ANDERSON. I hate to interrupt, but there is a rollcall now in the House, and I am going to have to go vote. I would like to recess for about 10 minutes. Just stay where you are, and I will be right back.

Mr. SMURR. Thank you very much, sir.

Mr. ANDERSON. We will stand in recess for about 15 minutes.

[Recess.]

Mr. ANDERSON. The subcommittee will come to order.

Dennis, you had not completed your statement, so when I interrupted you. Please proceed.

Mr. SMURR. Yes. Thank you, sir.

I was saying that I think the States are doing a fairly good job as far as addressing the handicapped parking situation within their own States. The problem exists as far as one State honoring another State's license plates or placards.

I would like to point out, sir, you being from California, about 4 years ago California did a study of how many varying types of handicap parking logo and permits were in existence within the confines of the State. They found no less than 43 different types of permits or requiring identifying logo being used within the State. So, they eliminated all the 43 and narrowed it down to just two types of identifying logo. That is one with the ~~"DV,"~~ disabled veteran, and also "DP" for disabled person.

So, that simplified the process of, let's say, determining who is eligible to use handicapped parking spaces within the State of California. California still has not made the big step as far as granting total reciprocity to other States. But I think they are moving in that direction.

OK. I would like to say, in conclusion, that the objectives of H.R. 3840 are very simple. It seeks to accomplish three very laudable and much needed objectives. First, it seeks to establish one symbol, the international symbol of accessibility, as the only recognized symbol for identification ~~of vehicles~~ used to transport persons with a mobility impairment.

Second, the bill would require that the symbol be prominently displayed in one of two distinct places on the vehicle: either directly on the license plate or on a removable windshield placard.

Last, the bill would require States to honor the license plate or placard as issued by another State and to grant to that vehicle the same handicapped parking privileges as provided others within the State.

In many respects, sir, we are taking a backward approach to the problem through H.R. 3840, in that we are trying to use an international symbol to address a national problem on a local level. Now, if we can get States to grant reciprocity, then if the committee would be willing to do a followup study so that we can gather the data necessary, then we could probably address some of the concerns that Mr. Kolter expressed regarding the definition, because if we can come up with a more uniform definition, then the States will not have the problem of worrying about whether the right person or the wrong person is using handicapped parking spaces.

But if we can get the uniformity in identification and where that identification is displayed, it will give handicapped persons a better chance of knowing that they are going to be safe when pulling into another State's handicapped parking place without being ticketed, as Mrs. DeGiovanni expressed this morning.

So, thank you very much for this opportunity to express our concerns, and we will be more than happy to work with the committee on any modifications they would like to make on the bill. I would just like to reiterate, though, that H.R. 3840 mirrors legislation that has already passed the Senate. So, if we tamper with it too much, then we have to go through another modification over there, and we would like to get this, if at all possible, enacted into public law yet this session.

Thank you very much, sir.

Mr. ANDERSON. Thank you, Mr. Smurr. We do have some questions. Mr. Smurr, according to the parking for handicapped persons study that was submitted to the Congress by the Secretary of Transportation, the issue of handicapped parking regulations has been addressed by the National Committee on Uniform Standard Laws and Ordinances, which is comprised of representatives from Federal, State, and local officials responsible for developing the uniform vehicle code.

Now, can you explain to the committee why some States have not adopted the handicapped parking provisions approved by the National Committee on Uniform Traffic Laws and Ordinances?

Mr. SMURR. I think it is a matter of public awareness, a matter of state priority, and the fact that the National Committee on Uniform Traffic Laws and Ordinances has been remiss, don't want to discredit NCUTLO because they have done a tremendous job as far as bringing about uniformity in most traffic laws, especially when you take into consideration there are probably more than 50,000 entities out there writing and enforcing local codes and ordinances—but the issue of handicapped parking was brought to their attention back in 1980.

It wasn't until 1984 that NCUTLO actually developed any form of model regulations regarding handicapped parking. And it wasn't until December of 1987 that they codified these into one document when they came out with their latest edition of the UVC. So, the UVC has just been put into the hands of the State agencies.

Now, it has been 4 years just in getting that document into the hands of the State agencies. I would hope that it would not have to take another 4 to 6 years to see the States actually start to respond to the UVC.

I think the DOT study pointed out that many of the problems that are of concern to handicapped parking could be addressed by a uniform State law. DOT, unfortunately, chose to go with the UVC rather than develop a uniform State law, as required by Public Law 100-17.

I think what we have in H.R. 3840 parallels the DOT study recommendations and would be a very good vehicle to spur the States to go ahead and adopt either the UVC or come back and develop a uniform State law.

Mr. ANDERSON. Now, the bill, H.R. 3840, would require the withholding of two percent of the State's section 402 safety grant funds for lack of compliance with a total reciprocity statute granting handicapped parking privileges.

Now, my question is, Do you feel that the withholding of highway safety grant funds that are authorized to address safety problems in the States is counterproductive in achieving safety objectives?

Mr. SMURR. Sir, I do not like to withhold funding, any kind of moneys, from the States, especially as it relates to safety. But as we all know, there is very little chance of the Federal Government giving more money to the States to accomplish the same goal.

So, as Congressman Gejdenson pointed out, we have to have some sort of an attention-getting device, and if it's withholding funds, I would say we have to do it, because voluntary efforts have not brought any type of resolve to this issue.

Mr. ANDERSON. Now, would it be possible for a nonhandicapped person to illegally obtain a windshield placard? Go ahead.

Mr. SMURR. Sir, it happens every day.

Mr. ANDERSON. It happens every day?

Mr. SMURR. It happens every day.

Mr. ANDERSON. That's what I was told.

Mr. SMURR. Because the problem is above—and H.R. 3840 is not going to remedy that, but we need a study to follow up on H.R. 3840 to really narrow down on the abuses that are currently taking place in handicapped parking privileges. Handicapped parking spaces are prime real estate.

Mr. ANDERSON. What can we do to help prevent this?

Mr. SMURR. Well, we need more data. We need more data as to how handicapped placards and license plates are being obtained. We don't have it, so we can't tell you how to correct it until we get the data. And at this point in time there is no national entity or Government entity that is out there trying to obtain this information. But there are definitely abuses of handicapped parking privileges.

Mr. ANDERSON. I am not too sure in my State, but I know that we did have what was said to be considerable use of illegally obtained handicapped licenses and everything. So, they passed a law in Sacramento making it illegal to do that, and they have actually gone out and have actually prosecuted different people. I still don't know whether they have really stopped it or not.

But do you know anything about that?

Mr. SMURR. There are different efforts, different approaches being undertaken all over the country, sir. Something that has been rather effective is putting a penalty for misrepresentation. And I encourage that—I mean, on the application form—putting a penalty on the applicant if he falsely misrepresents himself as a disabled person in applying for a handicapped parking plate.

Other States put a penalty on the application for a doctor falsely acknowledging that a person is in fact disabled, and most States do take the word of a physician as gospel. And, from my own experience, I know that I could go to a doctor, and if it's not going to involve any personal liability, he will sign off on almost anything.

So, I think the definition that I proposed to the National Committee on Uniform Traffic Laws and Ordinances was a definition that could be verified by the issuing agency, primarily the division of motor vehicles of each State. And that definition was anybody who could not walk more than 200 feet unassisted would be the only persons that would be eligible for handicapped parking privileges.

Now, some people have said that's too stringent. I took the 200 feet from the Illinois code. And what I was trying to do was develop a definition in the United States Code that was all-encompassing of any type of disability that would create a mobility impairment, but at the same time to give more direction both to the doctor and to the issuing agency as to what actually constitutes a mobility impairment.

But as I said earlier, NCUTLO, after they accepted that definition, took out the qualifying statement that of not being able to walk more than 200 feet. And so they have more or less opened it up to any and all disabled persons now.

Mr. **Anderson**. Thank you, Mr. Smurr, for an excellent presentation.

Mr. **Smurr**. Thank you very much, sir.

[Mr. Smurr's prepared statement follows:]

PVA

PARALYZED VETERANS
OF AMERICA
Chartered by the Congress
of the United States

STATEMENT OF

R. DENNIS SMURR, ASSOCIATE ADVOCACY DIRECTOR

PARALYZED VETERANS OF AMERICA

BEFORE THE

SURFACE TRANSPORTATION SUBCOMMITTEE

OF THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

REGARDING H.R. 3840

A BILL TO PROVIDE FOR A UNIFORM SYSTEM

OF HANDICAPPED PARKING

MARCH 23, 1988

Chairman Anderson and members of the Subcommittee, it is both an honor and a privilege for me to present to you the comments and concerns of the Paralyzed Veterans of America regarding H.R. 3840, a bill to amend Chapter 4 of Title 23 of the United States Code to provide for a uniform national system of handicapped parking for persons with a disability.

I am Dennis Smurr, Associate Director of Advocacy for PVA, and today I speak not only for the members of the Paralyzed Veterans of America, but my statement carries the endorsement of the National Easter Seal Society (NESS) and the Transportation Task Force of the Consortium of Citizens with

Developmental Disabilities (CCDD). The Consortium is comprised of 50 national consumer, service provider, and professional agencies which advocate on behalf of citizens with a wide range of disabling conditions (See Addendum I).

Mr. Chairman, H.R. 3840 was introduced by the Honorable Thomas A. Luken, Chairman of the Subcommittee on Transportation, Tourism, and Hazardous Materials of the House Committee on Energy and Commerce. Mr. Luken pulled the language of H.R. 3840 out of S. 853, a bill already approved by the full Senate last year and referred to the House Committee on Energy and Commerce. S. 853 is legislation to reauthorize funding for the National Highway Traffic Safety Administration (NHTSA) and due to matters totally unrelated to the issues contained within H.R. 3840, the larger NHTSA bill appears to be unacceptable to the Energy and Commerce Committee.

PVA, NESS, and the CCDD Transportation Task Force are very appreciative of Mr. Luken's concern for the handicapped parking provisions as contained within S. 853, and we are grateful for his leadership in recreating Section 303 of that bill for your consideration as H.R. 3840. We trust, Mr. Chairman, that you too will see the need for this legislation and will incorporate it into a highway safety bill of your design, helping us expedite it through the House and back to the Senate for enactment into law this session.

Not having had the opportunity to present previous testimony before this Subcommittee, I hope the Chair will allow me a moment to reflect upon the organization I represent.

The Paralyzed Veterans of America (PVA) is a 41 year old veterans' service organization, chartered by Congress in 1971, to address the unique needs of this nation's catastrophically disabled veteran population. Our membership is not large, primarily because in order to be a PVA member an individual has to be both a veteran and have incurred an injury or disease of the spinal cord which results in a varying degree of permanent paralysis. Because of this paralyzing condition, nearly all PVA members are mobility-impaired and most must rely upon the use of wheelchairs and other assistive devices to overcome their inability to walk.

Our necessity to use wheelchairs has caused PVA to become one of the leading advocates for the removal of certain architectural barriers such as curbs, steps and narrow doorway openings, all of which serve to impede or deny access to many places of business, employment, housing, and recreation for persons with mobility-impairments. We are proud of our accomplishments and pleased that Congress has seen fit to provide state and local government monies to replace steps with ramps, curbs with curb cuts, and private enterprise with a tax deduction to aid in the removal of architectural barriers through the use of Section 190 of the Internal Revenue Service Code. One area of improved accessibility that continues to allude mobility-impaired citizens is the issue of handicapped parking. It is for this reason that PVA is pleased to support the language and intent of H.R. 3840, as introduced by Congressman Luken on December 22, 1987.

Mr. Luken's bill, referred to as the "Traffic Safety of Handicapped Individuals Act of 1987," seeks to accomplish three very laudable and much needed objectives. First, it seeks to establish one symbol, the

International Symbol of Accessibility, as the only recognized symbol for identification of vehicles used to transport persons with a mobility-impairment. Secondly, the bill would require that this symbol be prominently displayed in one of two distinct places on the vehicle transporting a mobility-impaired individual, either directly on the license plate or on a removable windshield placard. Lastly, the bill would require states to honor the license plate or placard as issued by another state and to grant to that vehicle the same handicapped parking privileges as provided others within the state.

PVA strongly believes these three objectives will go far toward correcting what is quickly becoming an almost unenforceable handicapped parking dilemma facing mobility-impaired persons nationwide, especially as it pertains to those individuals who travel from one jurisdiction to another. We realize full well the serious implication that exists for the federal government to step into the area of motor vehicle licensing and control which has traditionally been a state's right issue. But, we strongly feel that federal intervention is very much needed in this particular circumstance since there exists such a wide disparity between and among the states as to how vehicles should be marked, how many extra-wide spaces should be set aside for use by mobility-impaired persons, and what type of parking privileges should be extended to mobility-impaired persons to help them compensate for their disability.

Last November the Department of Transportation released its report entitled "Parking for Handicapped Persons Study," as mandated by Congress as part of H.R. 2 and Public Law 100-17. DOT's study (see Addendum II) clearly points out the inconsistences in the handicapped parking statutes as presently administered by the States. Most notably, the DOT study highlights the lack of uniformity in state statutes as it relates to who can use handicapped parking spaces, how the vehicle carrying the disabled person is identified, and the glaring fact that only 15 of the 50 states grant total reciprocity to out-of-state motorists by honoring the handicapped license plate and/or placard as issued to a disabled individual of another state.

The failure of states to honor each others handicapped parking logo and to extend to out-of-state motorists the same right to utilize the specially-designed handicapped parking spaces set aside for use by other eligible residents of the state creates, not only an unsafe traffic condition, but it clearly violates the freedom of many Americans to engage in needed interstate travel.

At the present time, our best estimate is that there are approximately 6.5 million persons with a mobility-impairment related disability who have a real need to utilize handicapped parking spaces regardless of where they may live or where they might travel. This should be reason enough for federal intervention in a matter that the states have failed to properly address. Your favorable consideration of H.R. 3840 can help correct this unfortunate dilemma by requiring reciprocity and bring about a more uniform system of handicapped parking nationwide.

It should be noted that the objectives of H.R. 3840 are not new. Similar proposals have been introduced before only to die because of jurisdictional concerns or other nongermane issues.

Hopefully, Mr. Chairman, H.R. 3840 and its Senate counterpart will not suffer the same fate as their predecessors. I truly think it will not, and the reason for my optimism lies in the fact that the states have had ample opportunity to correct this matter, and they have failed to do so. The time is ripe for the 100th Congress to pass correcting legislation, and H.R. 3840 is a most appropriate vehicle to accomplish this objective.

The importance of the states' rights issue cannot and should not be taken lightly. The federal government must not intrude into those matters distinctly reserved as powers of the state. Motor vehicle licensing and operation are clearly matters reserved for the states to administer. Equally important is the fact that the federal government does have authority to intervene in such matters if it involves human safety and/or interstate travel. Clearly the ability to freely travel from one state to another safely is at risk for 6.5 million Americans because of the states' failure to honor each others handicapped license plates and/or placards.

We believe the recent federal initiatives of establishing a uniform drinking age and the uniform truck drivers' licensing law is action enough to justify creating a uniform handicapped parking law. Such action would not be without precedent.

In 1980, the Congressional Research Service (CRS) evaluated the pros and cons of a similar legislative proposal to that which you are considering. The same problems existed then as highlighted by the recent DOT study and the same reservation about federal government intervention was expressed. Since that time the handicapped parking situation has not improved, and the coordinating entities mentioned in that CRS review - entities such as the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) and the National Governor's Association who were attempting to bring about the needed reforms are still in existence. It is both sad and ironic that the recent DOT study chooses once again to rely upon NCUTLO to resolve the problems associated with handicapped parking rather than develop a Uniform State Law, as requested by law.

A comparison of the objectives of H.R. 3840 and the findings of the DOT study indicate that many of the handicapped parking problems currently existing between the states could be properly addressed by passage of the bill being discussed today. I should note that certain technical modifications to H.R. 3840 have been proposed and each has the full endorsement of the bill's proponents. Specifically, it has been suggested that the compliance date of the H.R. 33840 provisions be extended to 24 months after enactment rather than the specified 18 months. In addition, your Subcommittee staff has provided us very wise counsel by suggesting that the two per cent penalty imposed for noncompliance be put into an escrow account for return and use by the particular state after coming into compliance with the provisions of H.R. 3840.

PVA would also ask the Subcommittee to require the states or some other entity to conduct a thorough investigation of handicapped parking privilege abuse. We have first-hand knowledge of the types of abuse problems. What we have not been able to determine is the magnitude of the abuse problems, but we sense it is of staggering proportion. This study would be a most appropriate follow-up to the provisions of H.R. 3840.

H.R. 3840 should be viewed as a national handicapped parking amnesty act in that it requires each state to accept, at face value, another state's definition of a mobility-impaired disability and to grant to the individual the same handicapped parking privileges as accorded other citizens of the state. This is making a big request, but it must be made at this time because past efforts to bring about universal handicapped parking reciprocity nationwide have not been successful.

Mr. Chairman, it should be noted that Congress has already gone on record encouraging the fifty states and the District of Columbia to establish a more uniform system of handicapped parking and to enter into agreements of reciprocity honoring out-of-state vehicles bearing the International Symbol of Accessibility. This was accomplished as a resolution which was attached as an amendment to the 1984 Appropriations Bill for the Department of Transportation. (Public Law 98-78, August 15, 1983, see Addendum III.) PVA was pleased to have been part of this effort and we are indebted to Senator Durenberger and former Senator Jepsen for having this resolution incorporated into the bill which became law. In addition to the resolution, PVA, in 1985, drafted and circulated to each of the 50 state Governor's Committee on Employment of the Handicapped a copy of our proposed MODEL REGULATIONS: FOR THE PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS (See Addendum IV).

The result of these efforts has been mixed. Some states have completely rewritten their laws pertaining to handicapped parking, others have agreed to extend their handicapped parking privileges to properly designated out-of-state vehicles carrying a mobility-impaired person. Still other states, due to either a lack of concern or conflicting "home-rule" statutes, have failed to address the problems faced by mobility-impaired individuals who travel outside their local jurisdiction or state of residence.

The number of states that fall into this latter category number between eight and sixteen. The reason for a lack of a more definitive number stems from the fact that some states are in the process of initiating legislative changes and others failed to respond to a recent inquiry. The end result of any tabulation made of the states on handicapped parking would certainly reflect a large degree of frustration not only on the part of the traveler with a mobility-impairment, but also for the enforcement officer charged with trying to police those spaces set aside for handicapped parking. Much of this frustration could be alleviated by passage of H.R. 3840. More uniformity would result, but more importantly the safety and well-being of mobility-impaired persons would be assured.

As to the issue of safety, PVA cannot emphasize strongly enough that the specially-designed and strategically located parking spaces set aside for use by persons with mobility-impairments are offered not as a matter of courtesy or convenience, rather they are provided as as safety measure to those bonafide individuals who require them. Handicapped parking spaces are, if established by American National Standards Institute standards, extra wide measuring twelve feet, rather than the normal eight feet. This extra width assures the mobility-impaired individual a degree of safety which is needed to accommodate a transfer from a wheelchair to a car or to allow the individual to load into a specially-modified, lift-equipped van.

The handicapped parking spaces are generally placed close to an accessible building entrance, again not for the convenience of the parking space user, but for their safety. To have handicapped parking spaces located at great distances from an accessible building entrance puts the mobility-impaired individual at risk of personal injury and/or further complication of his or her disabling condition. In addition, the mobility-impaired individual also poses a threat to other motorists who may either be driving by the parking space or using the parking lot where the spaces are located. A wheelchair, as well as an individual who is walking very slowly, can be very easily overlooked in a busy and crowded parking lot.

Mobility-impaired individuals should not be denied the use of handicapped parking spaces simply because the individual is not a resident of the state where the parking space is located. The passage of H.R. 3840 will serve to rectify this inequitable and unsafe dilemma which presently confronts mobility-impaired individuals.

In closing, let me remind each of you that America is a very mobile society. As a nation, we have maintained a strong and long-standing love affair with our personal means of conveyance. The motor vehicle in America has come to represent independence, freedom of choice, and the ability to travel, unencumbered, wherever and whenever one chooses. This is a right and privilege granted each and every American citizen over 16 years of age, but handicapped parking privileges are not uniformly guaranteed citizens with mobility-impairments.

PVA believes it is time that the federal government do what state and local entities have been unable to accomplish -- to create a uniform system of handicapped parking. Your favorable consideration of H.R. 3840 will be a first step toward making this a reality. Thank you very much for this opportunity to comment upon the bill presently under your consideration.

Consortium for
Citizens with
Developmental
Disabilities

(ADDENDUM I)

CCDD TRANSPORTATION TASKFORCE MEMBERSHIP

American Association on Mental Retardation
Association for Retarded Citizens
American Foundation for the Blind
Disability Rights Education and Defense Fund
Epilepsy Foundation of America
National Association of Developmental Disabilities Councils
National Association of State Mental Retardation Program Directors
National Head Injury Foundation
National Recreation and Park Association
Paralyzed Veterans of America
National Easter Seals Society
The Association for Persons with Severe Handicaps
United Cerebral Palsy Associations, Inc.
National Rehabilitation Association
National Association of the Deaf
American Deafness and Rehabilitation Association
National Council on Rehabilitation Education
Association for the Education of Rehabilitation Facility Personnel
American Association of the Deaf-Blind
Spina Bifida Association of America

3/21/88

(ADDENDUM II)

Parking for Handicapped Persons Study

Report of the Secretary of Transportation
to the United States Congress

Pursuant to
Section 161, P.L. 100-17
Surface Transportation and Uniform Relocation
Assistance Act of 1987

November 1987

Prepared by
Traffic Engineering Division
Office of Traffic Operations

U.S. Department of Transportation
Federal Highway Administration
Washington, D.C. 20590

(ADDENDUM II)

III. CONCLUSIONS

(with emphasis added)

CONCLUSIONS

A common problem faced by handicapped persons who travel by motor vehicle is receiving citations for parking their vehicles in designated handicapped parking spaces. This situation is common when they travel outside their State of residence but also exists within States which allow local jurisdictions to design their own methods of identifying vehicles entitled to handicapped parking privileges. The citations result from either a State or local jurisdiction not honoring another State's or jurisdiction's handicapped identification or law enforcement officials not recognizing the handicapped identification on the vehicle.

Inconsistencies in the States' Motor Vehicle Codes and Statutes dealing with handicapped parking have been identified as contributing factors to this problem. If the States could agree on a definition of a handicapped person, on using the International Symbol of Access on handicapped plates and placards, on establishing parking privileges (e.g., use of handicapped spaces), and recognizing out-of-State handicapped plates and placards, the parking problems facing the handicapped traveler would be greatly reduced. Development of a uniform State law on handicapped parking could accomplish this.

The issue of uniform handicapped parking regulations has been addressed by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO). The NCUTLO is comprised of representatives of Federal, State, and local officials, including representation of the legislative, judicial, and administrative branches of government, and an appropriate representation of national, State and local organizations concerned with motor vehicle laws and regulations. It is responsible for developing the Uniform Vehicle Code (UVC) which is a model set of vehicle laws based on experience under various State laws throughout the Nation.

The premise of having the UVC is to encourage the States to have uniformity in their vehicle laws so drivers are not faced with different laws as they travel around the country. In November 1984, the NCUTLO adopted provisions to be added to the UVC that defined a handicapped person, prohibited parking in any space designated by the International Symbol of Access unless the vehicle displayed that symbol, and generally established handicapped parking regulations. These revisions were published and distributed to the States in 1986, and therefore, have not yet been fully adopted by all the States. A brief discussion of the handicapped parking sections follows.

(ADDENDUM II)

Definition of a Handicapped or Disabled Person

The first issue that must be addressed in such a law is who qualifies as a handicapped person. The UVC definition of a handicapped person would require a few States to be more lenient and some to be more strict. Many States, for example include the requirement for assistive devices in their definition. However, Section 1-121.1 of the UVC defines a handicapped person in terms of a wide range of impairments that limit mobility and travel, with no reference to assistive devices.

Proper Motor Vehicle Identification

In 1983, in Section 321 of Public Law 98-78, Congress encouraged the use of the International Symbol of Access on either specialized license plates or placards to identify vehicles carrying handicapped persons. Since then some States have modified their codes to comply, while others have not. Using the International Symbol of Access as the only recognized and accepted symbol to identify vehicles carrying handicapped persons and issuing only license plates and placards, bearing the International Symbol of Access and placed in a specific location, could reduce parking violations issued to handicapped persons and make reciprocity among States easier to achieve.

This issue has been addressed in the UVC in Section 11-1005 subsections (a) and (b). These subsections identify the International Symbol of Access as the only recognized and accepted symbol to identify vehicles carrying handicapped or disabled persons, call for the States to issue either special plates or placards for identification, and call for placards to be placed on the dashboard of the vehicle.

Parking in Designated Handicapped Parking Spaces

Variations in parking privileges extended to handicapped persons hinder traveling from one State to another by handicapped persons. While it would greatly benefit the handicapped person to have the same parking privileges from State to State, parking regulations (including fines) are determined by State and local ordinances and should not be regulated at the Federal level. If all States used the International Symbol of Access to designate handicapped parking spaces, it would at least help handicapped persons know they can legally park in these spaces in any State. As far as other parking privileges are concerned, it is up to the individual to find out which parking privileges are extended to handicapped persons in any State he/she plans on visting or driving through.

(ADDENDUM II)

The UVC addressed this issue in Section 11-1003(a)1.k., which prohibits a person from stopping, standing, or parking a vehicle in a designated handicapped parking space without displaying a special plate or placard bearing the International Symbol of Access.

Including Section 11-1003(a)1.k. and subsection 11-1005(a) and (b) in a uniform State law also should provide more uniformity in enforcing handicapped parking regulations. Better enforcement will lessen abuse of handicapped parking spaces and make them more accessible to the persons for whom they were intended.

Reciprocity

The issue of reciprocity presents a twofold problem -- (1) honoring out-of-State handicapped identification and (2) granting nonresidents of the State the same handicapped parking privileges extended to residents. A uniform State law defining "handicapped person," standardizing the design of handicapped plates and placards, and assuring handicapped persons the right to park in designated handicapped parking spaces everywhere addresses both problems. However, to ensure that States carry out these provisions of a uniform State law, a section clearly stating such reciprocity is necessary.

Using reciprocity agreements, as encouraged in P.L. 98-78, rather than providing total reciprocity in State Statutes does not adequately address the uncertainty of having parking privileges in States outside of the State of residence. One of the problems with agreements is that the handicapped person must learn what States have agreed to accept their identification and grant them privileges if they plan to travel. Another problem comes with enforcement of the use of handicapped parking spaces since law enforcement officers would need to have a list of States with which their State had an agreement so they would not cite vehicles from those agreement States as being in violation.

Making reciprocity part of a uniform State law is preferable to each State making "reciprocal agreements" with individual States. While such agreements are laudable and are not discouraged, they can create confusion. Reciprocity through a uniform State law is a more workable means of achieving uniformity in State laws.

The UVC addresses reciprocity in Section 11-1005(c). It states that all vehicles, regardless of the State of registration, displaying the International Symbol of Access on license plates or placards will be granted the same handicapped parking privileges.

Discussion of a Uniform State Law on Handicapped Persons Parking Regulations

Section 161(c)(1) of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987 states:

> If the Secretary determines under section (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons. . . .

(ADDENDUM II)

This study found that inconsistencies in the Motor Vehicle Codes between the States lead to parking problems for the handicapped person. Reciprocity of parking privileges is only one of the problems. Thus the need for establishing uniformity in handicapped parking regulations is warranted.

It was also found, however, that the means for achieving this uniformity, already exists. NCUTLO, through its formal process which includes input from Federal, State and local officials, has developed provisions in the UVC which directly address the parking problems of handicapped persons. These sections are as follows:

Public Law 98-78
98th Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Aug 15, 1983
[H.R. 3329]

* * * * * * *

Handicapped parking.
23 USC 402 note.

SEC. 321. (a) The Congress finds that—

(1) in this Nation there exist millions of handicapped people with severe physical impairments including partial paralysis, limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, and other debilitating conditions which greatly limit their personal mobility;

(2) these people reside in each of the several States and have need and reason to travel from one State to another for business and recreational purposes;

(3) each State maintains the right to establish and enforce its own code of regulations regarding the appropriate use of motor vehicles operating within its jurisdiction;

(4) within a given State handicapped individuals are oftentimes granted special parking privileges to help offset the limitations imposed by their physical impairment;

(5) these special parking privileges vary from State to State as do the methods and means of identifying vehicles used by disabled individuals, all of which serve to impede both the enforcement of special parking privileges and the handicapped individual's freedom to properly utilize such privileges;

(6) there are many efforts currently underway to help alleviate these problems through public awareness and administrative change as encouraged by concerned individuals and national associations directly involved in matters relating to the issue of special parking privileges for disabled individuals; and

(7) despite these efforts the fact remains that many States may need to give the matter legislative consideration to ensure a proper resolution of this issue, especially as it relates to law enforcement and placard responsibility.

(b) The Congress encourages each of the several States working through the National Governors Conference to—

(1) adopt the International Symbol of Access as the only recognized and adopted symbol to be used to identify vehicles carrying those citizens with acknowledged physical impairments;

(2) grant to vehicles displaying this symbol the special parking privileges which a State may provide; and

(3) permit the International Symbol of Access to appear either on a specialized license plate, or on a specialized placard placed in the vehicles so as to be clearly visible through the front windshield, or on both such places.

(c) It is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States so as to—

(1) facilitate the free and unencumbered use between the several States, of the special parking privileges afforded those people with acknowledged handicapped conditions, without regard to the State of residence of the handicapped person utilizing such privilege;

(2) improve the ease of law enforcement in each State of its special parking privileges and to facilitate the handling of violators; and

(3) ensure that motor vehicles carrying individuals with acknowledged handicapped conditions be given fair and predictable treatment throughout the Nation.

"State."

(d) As used in this section the term "State" means the several States and the District of Columbia.

Copies to State Governors and D.C. Mayor.

(e) The Secretary of Transportation shall provide a copy of this section to the Governor of each State and the Mayor of the District of Columbia.

PVA
PARALYZED VETERANS
OF AMERICA
Chartered by the Congress
of the United States

(ADDENDUM IV)

FINAL DRAFT WITH COMMENTS
FEBRUARY 1985

MODEL REGULATIONS: FOR THE PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS

Section 1. This shall be known as "The Uniform Motor Vehicle Licensing and Parking Provisions for Handicapped Persons," or (UMV-HP)

Section 2. Definition: For the purpose of these provisions, "handicapped or disabled person" means any individual with a severe visual, audio, or physical impairment including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism or other debilitating condition which limits one's personal mobility and results in an inability to travel, unassisted more than 200 feet, without the use of a wheelchair, crutch, walker, prosthetic, orthotic or other assistive device;

NOTE: This definition of disability has been accepted by the National Committee on Uniform Traffic Laws and Ordinances, and has been incorporated into the Uniform Vehicle Code, on November 28, 1984.

Section 3. Designated Handicapped Parking Spaces

(1) A "designated handicapped parking space" is a parking space reserved for use by a motor vehicle which is owned and/or operated by or for a handicapped person. All such designated spaces shall be located, designed, and marked in accordance to standards which, at minimum, are equivalent to standards as established by the American National Standards Institute.

801 Eighteenth Street, N.W., Washington, D.C. 20006 (202) USA-1300

(ADDENDUM IV)

(2) Designated handicapped parking spaces shall be placed as near as practicable to building entrances, elevators or walkways which have curb cuts and appropriately designed ramps. Such spaces shall be clearly marked by post or wall mounted signs bearing the International Symbol of Access, or more officially, the R 7-8 sign as adopted by the United States Department of Transportation to designate parking facilities for the handicapped.

(3) Parallel curb side handicapped parking spaces so designated shall be separated from adjacent spaces, either in the front or the rear, by a minimum of 5 feet of striped no-parking area.

(4) Perpendicular parking spaces so designated for handicapped use shall be at least 8 feet wide and free of obstruction if located at the end of a line of similar parking spaces; all adjacent spaces shall be at least 8 feet wide with an additional 5 feet of striped no-parking area between each such designated parking space.

(5) Designated handicapped parking spaces shall be established in public parking facilities according to the following schedule:

TOTAL PARKING SPACES AVAILABLE PER LOT OR FACILITY	SPACES TO BE DESIGNATED FOR HANDICAPPED USE ONLY
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2 percent
over 1000	20 plus 1 per 100 over

NOTE: Privately owned, publicly used parking facilities should be encouraged to follow the above standards also. In addition, attention needs to be given to special environments such as hospitals and the like, where by nature of activity, more handicapped parking spaces would be needed.

(ADDENDUM IV)

Section 4. Proper motor vehicle identification.

Only those motor vehicles bearing proper identification, regardless of the State of issuance, shall be allowed to park in spaces designated for use by handicapped persons. States may adopt any identification system they deem satisfactory, but for the sake of national uniformity such options shall be limited to:

(1) A license plate with any letter and number configuration only with the International Symbol of Access clearly imprinted upon, or

(2) A placard bearing the International Symbol of Access, white on blue in color, measuring twelve inches by six inches, to be used in lieu of or in addition to any special license plate, except as in paragraph (1) above. The placard must be displayed so as to be clearly visible through the front windshield when the vehicle is parked in the handicapped parking space.

NOTE: The placard shall have a registration number and pertinent information contained thereon. This will avoid possible owner abuse and/or prevent misuse if the placard is stolen.

Section 5. Parking Privileges for Handicapped Persons

(1) The designated handicapped parking space is reserved for the exclusive use of a motor vehicle which is owned and/or operated by or for a handicapped person, and which carries a valid license plate or placard issued in accordance with Section 4.

(2) Any vehicle displaying the proper identification complying with Section 4 and issued by the designated agency in the State of registration will be granted the free and unencumbered use of any designated handicapped parking spaces in any of the several States and shall be afforded the special parking privileges of that State, without regard to the State of registration of said vehicle utilizing such parking privilege.

(ADDENDUM IV)

(3) A handicapped person shall be allowed to park for extended time periods in designated handicapped parking spaces and not be subject to meter violations except as in accordance with all other parking regulations as applicable to the general public.

Section 6. Parking Privileges for Temporarily Handicapped Persons

(1) A special distinguishing color-coded placard bearing the International Symbol of Access can be issued to a individual who is temporarily disabled as so defined in Section 2, upon presentation to the appropriate agency of the State of registration, a written statement of disability as verified by a physician licensed in medicine.

(2) Such a temporary placard shall be valid only for a period of one hundred and eighty (180) days from date of issuance, but it may be renewed for an additional 180 day period upon submission of an additional request and re-verification that the temporary disability persists.

Section 7: Rules and Regulations for Issuance

(1) The Commissioner of Motor Vehicles or other designated official of each State shall make such rules and regulations as necessary pertaining to the special parking privileges provided handicapped persons. In formulating such rules and regulations due consideration will be given to the uniformity and conformity of the laws, as implemented, both within and between the several States.

(2) In order to obtain the special handicapped parking plate or placard each State shall require a written medical statement, verified by a physician licensed to practice medicine, stating the applicant is in fact disabled as so defined in Section 2.

(3) States are encouraged to use placards in addition to special vehicle plates in that the a placard can go with the disabled individual regardless of the vehicle used. (This also accommodates those individuals who do not own a motor vehicle.)

(ADDENDUM IV)

(4) States are encouraged to centralize their process and procedures for issuance of handicapped parking placards and license plates to the state office or agency charged with motor vehicle registration.

(5) For persons permanently disabled, the requirement for medical verification of handicap shall be on a one-time only basis, subject to a periodic review by the Commissioner of Motor Vehicles or designated official of the State.

(6) The Commissioner of Motor Vehicles or designated official of each State shall compile and maintain a registry of the names, addresses and license numbers of all the handicapped persons who obtain the special license plates/placards. These statistics will help to insure that an adequate number of designated handicapped parking spaces are provided in places of public accommodation where the need is the greatest.

Section 8. Penalty

(1) Any person who parks a motor vehicle in a designated handicapped parking space without the proper license plate/placard is guilty of a traffic offense, punishable by a minimum $50.00 fine and shall also be subject to towing plus any associated charges.

(2) Enforcement of handicapped parking infractions as noted in paragraph (1) this section shall be enforced by the local police in a manner consistent with other parking and safety infractions.

(3) Any person who willfully and falsely represents himself or herself as a handicapped person, as herein defined, so as to obtain the special license plate/placard described herein and is not entitled to do so, shall be guilty of a misdemeanor, and be subject to a minimum fine of $500.

Prepared for consideration by: Paralyzed Veterans of America
801 18th Street, N.W.
Washington, D. C. 20006

RDS/9-84 (Revised 2/85)

THE HANDICAP PARKING PROBLEM:

Is There a Solution?

by R. Dennis Smurr, PVA Associate Director, Advocacy

After reviewing the Motor Vehicle Codes and Statutes of all 50 states and the District of Columbia, DOT's study points out five major inconsistencies in the handicap parking laws administered by the states. These inconsistencies are the primary source of the problems people with mobility impairments encounter in using handicap parking spaces, especially when traveling from state to state.

The DOT study reveals that the individual states do not have:

- A uniform definition of disability—Who is entitled to utilize special handicap parking privileges?
- A uniform method of identifying motor vehicles used to transport persons with disabilities.
- Uniformity in the type of handicap parking privileges extended.
- Consistency in the enforcement of handicap parking laws and in the severity of penalties imposed upon violators.
- Agreements of reciprocity with other states, thereby honoring the handicap parking permits, license plates, etc. issued by other states and displayed by out-of-state motorists.

The study concluded: "The common problem faced by handicapped persons who travel by motor vehicle is receiving citations for parking their vehicles in designated handicap parking spaces. This situation is common when they travel outside their state of residence but also exists within states that allow local jurisdiction the authority to design their own methods of identifying vehicles entitled to handicap parking privileges. The citations result from either a state or local jurisdiction not honoring another state's or jurisdiction's handicap identification or law enforcement officials not recognizing the handicap identification on the vehicle."

If the states could agree on a definition of "handicapped person," on using the International Symbol of Accessibility on license plates and placards, on establishing consistent parking privileges, and on recognizing out-of-state handicap plates and placards, the parking problems facing the traveler with a dis-

THE HANDICAP PARKING PROBLEM

ability would be greatly reduced. The report concluded that the development of uniform state laws on handicap parking could resolve the existing confusion and inconsistencies.

In 1983, Congress encouraged the use of the International Symbol of Accessibility on either specialized license plates or placards to identify vehicles carrying persons with disabilities. Since then, some states have modified their codes to comply, while others have not.

As required by Public Law 100-17, enacted last year, the Department of Transportation (DOT) has completed a study of the problems people with mobility impairments face when using handicap parking spaces.

"Using reciprocity agreements rather than providing total reciprocity in state statutes does not adequately address the uncertainty of having parking privileges in states outside the the state of residence," the study notes. "One of the problems with agreements is that the handicapped person must learn what states have agreed to accept their identification and grant them privileges if they plan to travel. Another problem comes with enforcement of the use of handicap parking spaces, since law enforcement officers would need to have a list of states with which their state has an agreement so they would not cite vehicles from those agreement states as being in violation."

Incorporating reciprocity as part of a uniform state law is preferable to each state making reciprocal agreements with other individual states. "While such agreements are laudable and are not discouraged," the study states, "they can create confusion."

The study notes that currently only 15 states (Arkansas, Connecticut, Georgia, Idaho, Iowa, Kentucky, Massachusetts, Minnesota, Nevada, New York, North Carolina, Vermont, Washington, Wisconsin, and Wyoming) grant total reciprocity, meaning that they recognize all handicap insignias, regardless of the state of issue. These 15 states have established clear legal statutes permitting out-of-state motorists with handicapping conditions the full use of all the handicap parking privileges provided by the state. In addition, 34 states plus the District of Columbia have what is generally termed "limited reciprocity," meaning that they will honor the handicap insignia as issued by certain other states. (For a complete listing of which states reciprocate—fully or with limitations—with which other states, see National Handicap Parking Reciprocity Chart.)

A word of caution is in order when traveling in states with limited reciprocity: Do not assume that you will not be ticketed when using a handicap parking space in these states. The fact is that many of thesa reciprocal parking agreements are new, and since they do not all carry the weight of law, some law enforcement officials may not be aware of their state's agreements or may choose not to honor your vehicle identification.

Another salient point brought out in the DOT study pertains to the wide variation in fines for illegally parking in a handicap space. Fines range from a low of $10 for a first offense to a high of $500 for a third offense, illustrating the fact that some states view this violation more seriously than do others. What was not made clear, though, was how vigorously violations are actually enforced. Another related point noted that a person who is entitled to use a handicap parking space but gets ticketed generally is not fined if he/she appears in court with proper certification of his/her handicap.

The DOT study did a good job of pointing out the inconsistencies in existing state laws as they pertain to handicap parking regulations. What the study did not do—even though it was requested by Congress to do so—was to develop a uniform state law. The officials at DOT opted instead to rely upon the voluntary efforts of the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO).

NCUTLO—a private, nonprofit organization—is comprised of individual representatives from various legislative, judicial, and administrative branches of federal, state, and local governments, plus representatives of national, state, and local organizations concerned with motor vehicle laws and regulations. It has the responsibility for developing a Uniform Vehicle Code (UVC).

This approach to resolving the handicap parking problem is not consistent with the congressional mandate but does follow the Reagan administration philosophy of New Federalism, which advocates federal government noninvolvement in matters that fall under the jurisdiction of state and local governments. Motor vehicle laws and regulations are a case in point.

The difficulty arising from DOT's failure to develop a proposed uniform state law on handicap parking is twofold. First, NCUTLO is not a lawmaking entity. It performs a clearinghouse function by reviewing the multitude of state and local traffic laws and ordinances. It also serves as a sounding board for new motor vehicle legislation. In its review and oversight capacity, NCUTLO is responsible for developing a UVC. NCUTLO has done an admirable job over its 60-year history of bringing about a sense of uniformity in motor vehicle laws and ordinances. This is especially true when you take into consideration the sheer number of state, county, city, and local jurisdictions that have authority to implement and enforce motor vehicle traffic laws.

The issue of uniform handicap parking regulations was not addressed until late 1984, when NCUTLO adopted (with input and pressure from National PVA) three distinct UVC provisions. One provision, which was later modified, proposed a uniform definition of disability. The second proposed that the International Symbol of Accessibility be the only accepted and recognized symbol used to identify vehicles carrying a disabled person. The third specified that the symbol be displayed either on the license plate or on a specialized placard placed on the dashboard so as to be clearly visible through the front windshield of the vehicle. The DOT study reported that these three provisions were not published and distributed to the states until 1986; therefore, not all states have fully adopted them.

This brings up the second and most crucial difficulty with DOT's failure to draft a uniform state law on handicapped parking: States are not required to adopt a UVC proposal. Given this fact, coupled with the realization that handicap parking problems have existed for many, many years, the prospects that a UVC will bring about a timely resolution to the handicap parking problem are rather dim.

PVA continues to believe that the federal government needs to step in to help resolve the handicap parking situation, especially as it relates to interstate travel by persons with mobility impairments and will continue to work with members of the US Senate and House of Representatives to bring about a propitious solution to the handicap parking dilemma that currently exists in the United States. The recent work of the 100th Congress—thanks in large part to the concerted efforts of Senator John Kerry (D-MA) and Congressman Sam Gejdenson (D-CT)—holds the greatest promise of making handicap parking regulations more uniform and equitable throughout the nation.

NATIONAL HANDICAP PARKING RECIPROCITY CHART

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Mr. ANDERSON. Next, Steve Johnson, president, Traffic Safety Services Association, accompanied by Carolyn Carver, director of Government relations for the American Traffic Safety Services Association.

We do have your prepared statement. It will be made a matter of the record in its entirety. The floor is yours.

TESTIMONY OF RICHARD C. JOHNSON, PRESIDENT, AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION, ACCOMPANIED BY CAROLINE CARVER, DIRECTOR, GOVERNMENT RELATIONS

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. Chairman, I am Richard Johnson, the national president of ATSSA; that is, the American Traffic Safety Services Association. ATSSA is a national trade association in its 18th year representing over 400 companies which provide safety devices and traffic control for our Nation's highways. Over 80 percent of the traffic safety equipment and services used on our highways are provided by ATSSA members.

Additionally, our membership includes public officials at all levels of government who are concerned with traffic control and the safety of the driving public.

I am also a local businessman who is concerned on a daily basis with work zone safety, and I appreciate the opportunity to talk to this committee on the subject of safety.

The purpose of this testimony is to point out the alarming rise in deaths in work zones and to bring the general issue of work zone safety and permanent traffic control before the Congress and to outline options which we believe would be the most effective in dealing with these issues.

Traffic accidents are an American epidemic and a leading cause of death for all ages. Too many agencies, particularly at the local level, emphasize the roadway while neglecting important safety improvements such as adequate signing, pavement markings, and proper delineations. These low-cost safety improvements have the greatest potential for reducing accidents and saving lives.

I would like to address several areas of traffic safety which should be included in any analysis of highway safety.

The first of these is safety in the work zone. As we celebrate the 30th birthday of the interstate and prepare to complete the last miles, our roads are crumbling and our bridges collapsing. Only 57 percent of the system is rated good. That leaves 43 percent in various stages of disrepair; 1 in every 10 miles is rated poor. Because of the deteriorating roads, work zone maintenance is up, and the number of accidents and deaths has risen as well. It is not unusual to have a 300-percent increase in accidents when there is a highway under construction. Work zone fatalities on the interstates are increasing at dangerous levels; in fact, at a much higher rate than overall highway fatalities.

A major area of concern in work zones is speed enforcement. Practical experience has identified excessive vehicle speed as a major contributor to accidents in highway work zones. Proper advance warnings and work zone delineation aid in giving direction around and through work sites.

However, one thing we have no control over is the motorist. Increased speeds on our highways will increase the risk not only for the motorist but also for the highway worker. Therefore, it is imperative that we have more diligent law enforcement and assistance in work zones.

Law enforcement officers must agree to patrol work sites and enforce State and local ordinances. These orange and black signs which are often used in work zones are advisory, or nonregulatory, signs, such as this sample we have here, Mr. Chairman, as opposed to these black and white permanent speed limit signs, which are regulatory and enforceable.

You can see also the problem with visibility. The permanent signs spells out speed limit and the construction temporary sign just says "MPH," on the black and orange.

When highway patrols can enforce speeds in nonenforceable speed zones, they oftentimes don't patrol these sites at all. Recent legislation in the State of Florida allows police to cite drivers for careless driving when they ignore the nonregulatory signs. This recognition of the problem and willingness to do something about it should be commended. But Florida is only one State.

Another particularly serious aspect of work zone safety is nighttime visibility. Efforts must be made to improve visibility as much as possible. When nighttime visibility is improved, safety is enhanced. However, our best efforts are wasted without constant monitoring and maintenance of the work site.

In essence, the work site at night must present the same picture to the motorist that it does during the day. This means that qualified and trained personnel should be on the work site at all times. A number of States now require training courses and certification for supervisors of work sites. All States should require this.

ATSSA has had a training and certification program in conjunction with FHWA and ITE since 1978. In States where certification has become a requirement, there has been a dramatic improvement in work zone traffic control and safety.

There is a perception that the proper traffic control is too expensive. But it is a bargain when we consider the alternative, which may be the loss of life and property. A case in point occurred recently in one of our States. Lack of training on a work site by the State department of transportation and development was a contributing cause in a fatal accident which resulted in the State paying over $1 million to the deceased woman's estate. Yet, only last week, an ATSSA-sponsored training course for work site supervisors was canceled in this same State for lack of funding.

We must design work zone traffic control as if our lives depended on it. We need trained personnel in order to do that. Our view is that the work zone safety could be enhanced and the number of accidents, injuries, and fatalities could be reduced if the following objectives were met:

One, better monitoring and inspection of work zones so that traffic devices are maintained, and there is uniformity and conformance to standards from region to region;

Two, work site personnel must be better trained, and public officials must have knowledge of the importance of upgraded signing, work zone delineation, and proper pavement markings so that they are capable of reviewing selected projects;

Three, law enforcement officials must agree to patrol work sites and enforce local ordinances, and they must be trained to recognize deficiencies and safety problems;

Four, increased Federal and State funding must be made available for training and education;

Five, the public must be made aware of the importance of work zone safety. Advanced warning of sites and publicity on road conditions through the use of local media is essential. Public information programs like Caltran's "Give them a brake" campaign is one way of calling attention to the work zone safety;

Six, highway safety education programs should be made part of drivers training programs and licensing requirements, and appropriations should be authorized for this purpose.

With increasing road maintenance comes increased responsibility. Work zones cannot be a haphazard process, or they will become more hazardous. The National Highway Traffic Safety Administration's fatal accidents reporting system showed a 40-percent increase in fatalities occurring in work zones from 1982 to 1985. We must reverse this trend.

Our second area of concern with the traffic control outside of the work zone, the system that directs and controls highway traffic on a permanent basis. Signing and pavement marking on interstate, State, and local streets and rural roads is badly deteriorating. Unfortunately, State and local jurisdictions do not have adequate funding to upgrade signs or pavement markings, even though the Federal Highway Administration's report on highway safety shows that in these areas alone we receive the maximum benefits in terms of lives saved and injuries prevented for every safety dollar spent.

By the year 2000, one in every three drivers in the United States will be over the age of 55. As our population ages, we must have an increased awareness of their driving needs. Studies have shown, for example, that people need twice as much light to see the same object with the same clarity every 13 years after the age of 20. As driver vision and reaction time decreases, nighttime and daytime visibility of signs and pavement markings must increase.

There should also be more uniformity of signs and pavement markings so that motorists driving from State to State know what to expect. Although the initial findings are incomplete, it is clear that we are seeing an increase in fatalities on roads where speed limits have been raised to 65 miles per hour. We have an obligation to warn drivers more frequently when increased speeds make driving more perilous. We recommend an increased emphasis on safety. With that, we specifically recommend that Congress:

One, ensure that States require that signs, delineators, and pavement markings are part of resurfacing projects and meet the manual and uniform traffic control devices. This would be in accordance with the 1982 Highway Act, stating that RRR projects are to enhance safety;

Two, strengthen the requirement that States and local governments have a highway safety improvement program which at a minimum should ensure that safety appurtenances such as signs, pavement markings, and delineation devices are in place and performing effectively;

Last, with the increased emphasis on safety comes the need for increased funding. ATSSA recommends:

One, an increase in the authorization levels of all highway safety programs; two, restore the FHWA-administered portion of 402 funds at least to the previously authorized levels of $25 million per year; three, retain the integrity of the highway program by opposing any Federal or State diversion of highway funds or increase in gasoline or fuel tax for purposes other than transportation; four, provide separate Federal funding categories for training of personnel in work zone traffic control.

The Federal presence has acted as a stimulus to encourage safety on all highways. As long as motorists cross jurisdictional boundaries, the Federal Government has an obligation to support safety. Federal funds are a way to provide financial support for safety programs. Specifically, Federal highway programs and funding have provided the impetus needed to increase State involvement in safety.

The Federal Government must continue to provide leadership where safety is concerned by supporting programs and granting funds for safety improvements.

We would urge Congress to include in future highway legislation either regulations or incentives which would address the problems we see in traffic control. Because of the importance we attach to this matter, my organization, ATSSA, formally offers its help, including its technical assistance, in developing lifesaving guidelines related to the issue of work zone safety and permanent traffic control.

Thank you, sir.

Mr. **ANDERSON**. Well, thank you, Mr. Johnson, for your presentation.

Mr. Johnson, according to the 1987 annual report on highway safety improvement programs, the number of fatal accidents occurring in work zones declined for the first time in 4 years, with 678 persons losing their lives and 586 accidents.

My question is, Does the decline in the occurrence of the number of fatal accidents in work zones from 1984 to 1985 reflect the enhancement of improved safety measures in work zones?

Mr. **JOHNSON**. Yes, sir. I think it is heading in that direction.

Mr. **ANDERSON**. Now, when establishing priorities for various types of safety improvement projects, the State must take into account many factors such as cost-benefit ratios for highway safety improvements and so on.

Now, what is the cost-benefit ratio for work site safety maintenance of traffic improvements?

Mr. **JOHNSON**. Do you want to address that?

This is my expert here.

Mr. **ANDERSON**. Ms. Carver.

Ms. **CARVER**. I don't think they have, Mr. Chairman, a ratio established for pavement markings. For signs I think it was a 7-to-1 cost-benefit ratio. Depending on the year it may have been 6-to-1 or 7-to-1. Signs have always had the highest cost-benefit ratio, according to that study.

Mr. **Anderson**. Mr. Johnson, in your statement you indicate that a number of States now require training courses and certification for supervisors of work sites.

How many States require qualified and trained personnel on the work site at all times?

Mr. **Johnson**. Right now, I believe Colorado, Alaska, Tennessee, Georgia, Maryland, Kentucky, and I think California is in the process.

Ms. **Carver**. Some States have their own State program but don't require certification per se.

Colorado, I think, is the best example of a State that has required certification. They have implemented it over a 2-year period, and now on every work site there must be a certified trained supervisor.

Mr. **Anderson**. How could nighttime visibility be improved?

Mr. **Johnson**. Of course, more lighting. That's what we fight for. More reflectivity. Better delineation approaching, such as arrow boards and advanced warnings. The necessity of keeping clean working conditions, too, is very important. And enforcing the speed in that work zone.

Mr. **Anderson**. Can you estimate the degree to which highway construction sites are not conducive to worker safety; that is, are most sites relatively safe or unsafe?

Mr. **Johnson**. I think it's getting more and more safe, Mr. Chairman, because of the awareness throughout the Nation. Especially on high-speed roadways, you probably have a safer record because they take more care than, for instance, at intersections in busy cities where the traffic is not traveling as fast.

I think it is probably more dangerous to work in the city where the street lights and the traffic is not as fast as it is out on the high-speed roadways because they put up these concrete barriers and work inside. They are probably more aware of the safety of the worker in a high-speed roadway.

Mr. **Anderson**. Now, you state that the training of workers and improving various roadway appurtenances such as signs and traffic devices would improve the safety at construction zones.

Are there other methods or devices that could also be employed to increase safety?

Mr. **Johnson**. Well, according to the Manual on Uniform Traffic Control Devices if that can be enforced that should suffice, I would think. It's very explicit and detailed for lane closures and traffic control in work zones.

Mr. **Anderson**. Well, thank you, Mr. Johnson, and Ms. Carver, for an excellent presentation.

Mr. **Johnson**. Thank you, Mr. Chairman.

[The prepared statement of Mr. Johnson and Ms. Carver follows:]

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STATEMENT
# of the
AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION
to the
SUBCOMMITTEE ON SURFACE TRANSPORTATION
HEARING
on
HIGHWAY SAFETY ISSUES

Presented by: Richard C. Johnson
President American Traffic Safety Services Association

Accompanied by: Caroline Carver
Director, Government Relations
American Traffic Safety Services Association

100th Congress
March 23, 1988

Mr. Chairman and members of the Subcommittee, I am Richard Johnson, national president of the American Traffic Safety Services Association (ATSSA).

ATSSA is a national trade association in its 18th year representing over 400 companies which provide traffic control and safety devices for our nation's highways. Over 80% of the traffic safety equipment and services used on our highways are provided by ATSSA members. Additionally, our membership includes public officials at all levels of government who are concerned with traffic control and the safety of the motoring public.

I am also a local businessman, and, as president of National Capital Industries, a traffic control company with offices in Washington, Maryland and Virginia, I am concerned on a daily basis with work zone safety, and I appreciate the opportunity to speak to this subcommittee today on the subject of safety.

The purpose of this testimony is to point out the alarming rise in deaths in work zones and to bring the general issue of work zone safety and permanent traffic control before the Congress.

We also want to alert you to some of the technical elements of the problem and to offer our continuing assistance in dealing with this problem. We chose not to detail at this point specific legislative remedies, but rather to outline the options which we believe would be the most effective in dealing with these issues.

When we hear the words "highway safety," we think of speed limit enforcement, seat belt and drunk driving campaigns. These are worthy campaigns, and we have seen reduced fatalities because of increased awareness of these issues. The members of ATSSA are concerned with another kind of campaign, one which is external to the driver -- a campaign aimed less at the individual and more at the overall driving public. There is little we can do about the impaired driver, the aging driver, or the distracted driver. There is much we can do, however, about the roadway, and we have an obligation to make a dangerous situation as safe as possible.

Traffic accidents are an American epidemic and a leading cause of death for all ages. Too many agencies, particularly at the local level, emphasize the roadway while neglecting important safety improvements such as adequate signing, pavement marking, and proper delineation. These low cost safety improvements have the greatest potential for reducing accidents and saving lives. We have an obligation to maintain and improve these safety programs.

We would like to address several areas of traffic safety which should be included in any analysis of highway safety. The first of these is work zone safety.

Safety in Highway Work Zones

We are all aware of the statistics on "the state of the interstate." As we celebrate the 30th birthday of the interstate and prepare to complete the last miles, our roads are crumbling and our bridges collapsing. Only 57% of the system is rated "good"; that leaves 43% in various states of disrepair, and one in every ten miles is rated "poor."

Because of deteriorating roads, work zone maintenance is up. As any driver can attest, the number of work zones has risen proportionately to the number of roads in disrepair. Unfortunately, the number of accidents and deaths have risen as well. It is not unusual to have a 300% increase in accidents when there is a highway under construction. Work zone fatalities on the interstate are increasing at dangerous levels, in fact, at a much higher rate than overall highway fatalities.

A major area of concern in work zones is speed enforcement. Highway work zones are inherently dangerous, even under the best of conditions; they are unexpected, full of distractions and disrupt the routine of driving. Practical experience has identified excessive vehicle speed as a major contributor to accidents in highway work zones. Proper advanced warnings and work zone delineation aid in giving direction around and through a worksite; however, one thing we have no control over is the mortorist. Increased speeds on our highways will increase the risk not only for the motorist but also for the highway worker. Therefore, it is imperative that we have more diligent law enforcement and assistance in work zones.

Law enforcement officials must agree to patrol worksites and enforce state and local ordinances. The orange and black signs which are often used in work zones are advisory, or nonregulatory signs. When highway patrols can't enforce speeds in nonenforceable speed zones, they oftentimes don't patrol these sites at all. Recent legislation in the state of Florida allows police to cite drivers for careless driving when they ignore the nonregulatory signs. This recognition of the problem and willingness to do something about it should be commended, but Florida is only one state.

Another particulary serious aspect of work zone safety is nighttime visibility. Dangers in work zones increase at night. As more construction and maintenance is being performed at night, the driver is more at risk as is the road worker who is often too preoccupied with the task at hand to keep a safety eye on traffic.

The two factors most greatly affecting nighttime safety in the work zone are vision and visibility. At first glance, these words may look synonymous, but there is a difference. Vision is internal to the driver and relates to how well he or she can see under all conditions. Visibility, on the other hand, is external and is affected by size, brightness, and position of the traffic control devices. Efforts must be aimed at improving and enhancing visibility and much can be done in this area.

When nighttime visibility is improved, safety is enhanced. However, our best efforts are wasted without constant monitoring and maintenance of the worksite. In essence, the worksite at night must present the same picture to the motorist that it does during the day. This means it must be designed at night, inspected at night, and maintained for nighttime operation. There is no such thing as a maintenance free work zone. Minimum standards are often adequate, but each situation must be evaluated and monitored, and that brings me to another point which is training.

Qualified and trained personnel should be on the worksite at all times. A number of states now require training courses and certification for supervisors of worksites. All states should require this. ATSSA has had a training and certification program in conjunction with FHWA and ITE since 1978. In states where certification has become a requirement, there has been a dramatic improvement in work zone traffic control and safety.

Safety is important and it doesn't come free. There is an increased cost when state of the art delineation and trained personnel become part of the standard operating procedure in work zones.

There is a perception that proper traffic control is too expensive, but it is a bargain when we consider the alternative which may be loss of life and property. A case in point occurred recently in one of the states. Lack of training on a worksite by the state Department of Transportation and Development was a contributory cause in a fatal accident which resulted in the state paying over $1 million dollars to the deceased woman's estate. Yet only last week an ATSSA sponsored training course for worksite supervisors was cancelled in this same state for lack of funding.

We must design work zone traffic control as if someone's life depended upon it, and we need trained personnel in order to do that.

Our view is that work zone safety could be enhanced and the number of accidents, injuries, and fatalities significantly reduced if the following objectives were met:

1) Better monitoring and inspection of traffic control zones so that traffic devices are maintained and there is uniformity and conformance to standards of traffic devices from region to region.

2) Worksite personnel must be better trained, but training should not stop there. Public officials must have knowledge of the importance of upgraded signing, work zone delineation, and proper pavement marking so that they are capable of reviewing selected projects.

3) Law enforcement officials must agree to patrol worksites and enforce local ordinances, and they must be trained to recognize deficiencies and safety problems.

4) Increased ~~federal and~~ state funding must be made available for training and education.

5) As with campaigns for seat belt use and against drunk driving, the public must be made aware of the importance of work zone safety. Advance warning of sites and publicity on road conditions through the use of local radio, TV, and newspapers is essential. Public information programs like Caltrans "Give 'em a Brake" campaign is one way of calling attention to work zone safety.

6) Highway safety education programs should be made part of driver's training programs and licensing requirements, and appropriations should be authorized for this purpose.

With increasing road maintenance comes increased responsibility. Work zones cannot be a haphazard process or they will become even more hazardous. The National Highway Traffic Safety Administration's Fatal Accident Reporting System showed a 40% increase in fatalities occurring in work zones from 1982 to 1985. We must reverse this trend. Work zones require careful advance planning, public awareness, continuous supervision and maintenance, trained personnel to carry out the job, and most importantly, the funding to carry out all of these functions.

Our second area of concern is with traffic control outside of the work zone, the system that directs and controls highway traffic on a permanent basis.

Permanent Traffic Control Devices

By the year 2000, one in every three drivers in the U.S. will be over the age of 55. This new older population will require increased and improved signing and upgraded pavement marking. Signing and pavement marking on interstate, state and local streets, and rural roads is badly deteriorating. Unfortunately, state and local jurisdictions do not have adequate funding to upgrade signs or pavement markings, even though the Federal Highway Administration's Report on Highway Safety shows that in these areas alone we receive the maximum benefits in terms of lives saved and injuries prevented for every safety dollar spent. The 1987 report stated the "improvements which have most effectively reduced fatal and injury accidents at the lowest costs are: 1) traffic signs (at a benefit/cost ratio of 6.6)."(1987 Annual Report on Highway Safety Improvement Programs, Office of Highway Safety, FHWA, p. 36).

As our population ages, we must have an increased awareness of their driving needs. Studies have shown, for example, that people need twice as much light to see the same object with the same clarity every 13 years after the age of 20. As driver vision and reaction time decrease, nighttime and daytime visibility of signs and pavement marking must increase. There must be more uniformity of signs and pavement markings so that motorists driving from state to state know what to expect.

Uniformity is also important where the public is invited to travel for business purposes on private property. The unprecidented growth of shopping malls, industrial parks, private residential developments, and office complexes has often resulted in inadequate and substandard signing and pavement markings. Accidents and fatalities have risen proportionately to the increase in the volume of business-related traffic on such property. This committee is to be commended for including report language accomanying the "Surface Transportation and Uniform Relocation Assistance Act of 1987" which addresses this problem.

Although the initial findings are incomplete, it is clear that we are seeing an increase in fatalities on roads where speed limits have been raised to 65 mph. We have an obligation to warn drivers more frequently when increased speeds make driving more perilous.

We recommend an increased emphasis on safety. With that we specifically recommend that Congress:

1) Ensure that states require that signs, delineators, and pavement markings are part of resurfacing projects and should be brought into standard and meet the Manual on Uniform Traffic Control Devices. This would be in accordance with the '82 Highway Act stating that 3/R projects are to "enhance safety."

2) Strengthen the requirement that states and local governments have a highway safety improvement program, which at a minimum should insure that safety appurtenances such as signs, pavement markings, and delineation devices are in place and performing effectively.

Funding and the Federal Role

Lastly, with the increased emphasis on safety comes the need for increased funding. ATSSA recommends:

1) An increase in the authorization levels of all highway safety programs.

2) Restore the FHWA administered portion of 402 funds at least to its previously authorized level of $25 million per year. This is a small amount to pay and will reap a tremendous payoff in the reduction of lost lives, property damage, and liability costs each year.

3) Retain the integrity of the highway program by opposing any federal or state diversion of highway funds or increase in gasoline or diesel fuel tax for purposes other than transportation.

4) Provide separate federal funding categories for training of personnel in work zone traffic control.

The federal presence has acted as a stimulus to encourage safety on all highways. As long as motorists cross jurisdictional boundaries, the federal government has an obligation to support safety. Federal funds are a way to provide financial support for safety programs; specifically, federal highway programs and funding have provided the impetus needed to increase state involvement in safety. The federal government must continue to provide leadership where safety is concerned by supporting programs and granting funding for safety improvements.

We would urge Congress to include in future highway legislation either regulations or incentives which would address the problems we see in traffic control. Because of the importance we attach to this matter, my organization, ATSSA, formally offers its help, including its technical assistance, in developing life-saving guidelines related to the issue of work zone safety and permanent traffic control.

Mr. **Anderson**. The bells have signalled for a vote in the House. I had better go vote.

At this time we will stand in recess for about 10 minutes.

[Recess.]

Mr. **Anderson**. The meeting of the subcommittee will come to order.

Our witness is Henry M. Jasny, of the Center of Auto Safety, accompanied by Dr. Gerald Donaldson.

We do have the prepared statement. It will be made a matter of the record.

Mr. **Donaldson**. We appreciate it, Mr. Chairman.

I am Gerald Donaldson, of the Center for Auto Safety. Mr. Jasny is going to present our testimony. We are going to abbreviate our testimony as much as possible, in light of your remarks, to save this committee's time and not test its patience at the end of the day.

So, I would like Mr. Jasny to go ahead.

TESTIMONY OF HENRY M. JASNY, STAFF ATTORNEY, CENTER FOR AUTO SAFETY, ACCOMPANIED BY GERALD DONALDSON, DIRECTOR, THE HIGHWAY PROJECT, CENTER FOR AUTO SAFETY

Mr. **Jasny**. Good afternoon, Mr. Chairman, and thank you for the opportunity to testify before the committee.

Our testimony that we have submitted addresses three major areas with regard to speed limit compliance. The first is the compliance criteria; the second is DOT oversight; and the third is a program for enhancement of safety on 65-mile-per-hour rural interstate highways.

With regard to monitoring and compliance, it is clear that there is a need for monitoring speed limit compliance on rural interstates and State tollroads that are posted above 55 miles per hour. It makes no sense to monitor the 55-mile-per-hour highways but to ignore the need for such oversight on more than 30,000 miles of highways that are posted at higher speed limits.

The need for straightforward, fair, realistic compliance criteria is evident. A revised methodology, such as that proposed by the Transportation Research Board in special report 204, should be evaluated to replace the current formula. Such a system could be weighted to place greater emphasis upon reducing high-speed violations and speeding violations on more hazardous classes of roadways.

The method of computation must be based, though, on raw data retrieved from highway monitors modified only by appropriate statistical measures required by accepted mathematical procedures. Implementation of a weighted formula must be accompanied by an accurate evaluation of each State's road system and analysis of existing highway safety factors in order to accurately categorize different classes of State highways. Such a system should require more rigorous monitoring procedures to assure objective consistency in the collection of data from each class of highway. The Center would support a change in the compliance criteria based on these recommendations in the TRB study.

With regard to the issue of compliance oversight, last week, in the first session of these hearings we heard the NHTSA Administrator proclaim that there was a traffic safety victory because the highway fatality rate reached a level of only 2.4 deaths per 100 million miles traveled in 1987.

But her claim of good progress is given a more realistic appraisal by the Federal Highway Administration executive director, Mr. Richard Morgan, who stated that although "some will say that our accident rates are going down, down, down. Big deal. At our current accident rate, per 100 million vehicle miles, with traffic increasing around 6 percent a year, we will be killing 65,000 to 75,000 by the year 2000, and that is unacceptable."

Yet, it seems nearly to be acceptable for NHTSA, the Administrator then indicated, to our considerable amazement, that DOT will concede acceptable losses due to increased highway speeds in a tradeoff for other lives saved by seatbelts and antidrunk/drugged driving programs.

This has been typical of the U.S. Department of Transportation, which has consistently failed to properly administer the statutory scheme for speed limit compliance which Congress enacted. Congress adopted a carrot-and-stick approach in the compliance and sanction penalties. DOT has undercut the congressional intent in the legislative mechanism to ensure State enforcement by tossing aside the financial stick and all but guaranteeing that noncomplying States will receive their Federal apportionment funds.

In this context of maximum speed limits, Mr. Chairman, sanctions delayed is safety enforcement denied. I would just note that the increase in the drinking age to 21 is a clear example of effective administrative action, it was implemented by DOT in implementing the intent of Congress. Unambiguous enforcement of the penalty provisions of that statute has brought about 100 percent State compliance with the 21-year-age drinking law and will save countless lives.

DOT is continuing to undercut the statute in its notice of proposed rulemaking which would change a lot of their practices that carry out the sanctions and would undercut the law that was passed by Congress. DOT's recent NPRM that was in the Federal Register 4 days prior to Ms. Steed's testimony is an attempt to usurp congressional authority and its legislative function through creative regulatory drafting and in fact rewrites the enabling statute.

With respect to our third issue area, we are suggesting a program that if 65-mile-per-hour speeds persist on most of our rural interstates, then we believe that this Congress must direct the Department of Transportation and the States to make a concerted effort with all dispatch to enhance the overall quality of the operating environment on these highways.

We are convinced that this will not be accomplished through exhortation and by hit-and-miss State efforts, but only by means of a statutory command from this Congress that the Federal Highway Administration and the States must initiate systematic safety design improvements throughout all rural interstate mileage that is posted at 65 miles per hour.

This should consist of specific legislative direction to the Federal Highway Administration and the States that establishes an interstate safety emphasis program, or ISEP, and that directs that I-4R projects in each State must be ranked and let to address these comprehensive geometric design, safety hardware, and traffic engineering safety improvements as the first order of business in our Federal interstate rehabilitation effort.

Further, since this ISEP concept would require no new additional Federal aid funds be spent, we think that Congress should strongly consider requiring a minimum percentage of each State's I-4R allocation to be spent on these safety improvement strategies. The States should be required to certify this minimum expenditure at the close of each fiscal year; title 23 United States Code sections 104(b)(5) and 119 should be amended to mandate this minimum percentage requirement, the certification affidavit and an additional reporting requirement by the States to the Federal Highway Administration on the character of their ISEP, and, in turn, an annual Federal report to Congress on the quality of the States' improvements of these 65-mile-per-hour rural interstate highways.

In addition, title 23 United States Code section 105(c) could be appropriately amended to reflect congressional resolve that as a statutory condition of any State's Federal aid program approval it provide a priority emphasis of the reconstruction and rehabilitation of any rural interstate section posted at 65 miles per hour in a manner that will conform to the state-of-the-art in design, traffic control, and safety appurtenance engineering.

Title 23 United States Code section 101(d), last paragraph, could be amended to reflect that Congress deems this effort to be national policy of the highest order so as to ameliorate the adverse consequences of higher speed limits and operating speeds on most of our Nation's rural interstates.

These amended provisions would be referenced in title 23 United States Code section 154(a) on the maximum national speed limit, which can be amended also to require Secretarial approval of any Federal aid interstate project only if each State has the Federal Highway Administration-approved ISEP and is expeditiously designing and letting projects for rehabilitating 65-mile-per-hour posted rural interstate sections with documented safety deficiencies.

Similarly, Mr. Chairman, we also believe that any State contemplating approval of an additional rural interstate mileage to be posted at more than 55 miles per hour must seek and gain approval of the Federal Highway Administrator under uniform regulations promulgated by the FHWA of the systematic priority I-4R safety program (an ISEP) for the rapid improvement of all aspects of the candidate highway.

If Congress can respond to the safety threat posed by the 65-mile-per-hour travel in an expeditious manner, we think that the General Accounting Office should be asked to perform an audit that evaluates both the accuracy of the State certification of minimum I-4R expenditures for ISEP projects, the quality of the Federal management of the ISEP effort, and the quality of the rehabilitation safety work performed under the ISEP program.

Mr. Chairman, more belts, more police, and less liquor are good countermeasures. But they are not nearly enough to offset the depreciation of the tremendous public health goals that were secured by the 55-mile-per-hour speed limit as the maximum speed limit for all highways. The 65-mile-per-hour speed limit represents a serious threat to public safety, whose deleterious effects can be blunted only through a systems engineering approach that consists of strategies for improving all three major components of surface transportation: the driver, the vehicle, and most particularly the roadway. Any lesser effort will consign hundreds of additional lives to funeral homes, will cause many additional thousands to suffer severe injuries, and will guarantee additional millions of dollars of property damage and losses.

Mr. Chairman, we have submitted the full text of the Center's testimony for the record, and Dr. Donaldson and myself are available to answer the committee's questions. Thank you.

Mr. **Anderson**. Thank you, Mr. Jasny.

Mr. Jasny, the National Academy of Sciences report concludes that there are many factors such as actual police practices, court behavior, and public awareness that influence how laws affect driving behavior.

Since the current levels of popular support for the 55-mile-per-hour speed limit are conditioned on existing levels of enforcement, it is not clear whether the majority of the people would continue to support the speed limit if enforcement increased dramatically.

My question is, Can you explain to the committee why you feel that by setting aside differences as to numerical speed limits and refocusing efforts and attention on securing effective enforcement of the maximum speed limit, that the States can achieve improved highway safety?

Mr. **Jasny**. Mr. Chairman, since part of the problem is the concept of people driving faster whether or not there is enforcement on the road, part of the effort of enforcement must be on driver recognition that speed kills. The Department of Transportation used to have a commitment to that. They used to have the logo "55 is a law we can live with" on their stationery. There used to be more public service announcements. There used to be more training advertisements. We need public education in this area as well as enforcement.

We believe that the legislation that was passed in 1974 was aimed at getting the States to comply and to enforce the law. We have had a good deal of compliance with respect to that, but we need more. There are things the States can do. Of course, we would leave it to the States to figure out what those strategies are in conjunction with the Federal Government. But one aspect would be greater emphasis on education to get the public behind the law, which is what occurred back in 1974.

Mr. **Anderson**. The Surface Transportation Assistance Act of 1978 authorized the Secretary of Transportation to monitor the States' compliance with the national maximum speed limit and to withhold up to 10-percent of a States' Federal aid highway construction funds for noncompliance.

Why does the Center for Auto Safety support the increase to 5 to 10 percent penalty for noncompliance of the speed limit?

Mr. JASNY. We support—and I did not read it, but it is in the text of our testimony—an increase to the 5 percent limit only for a second consecutive violation by any State. And we view that as another threshold issue. Once a State has violated the compliance for 1 year, there should be a more stringent penalty for a second year.

The problem that we have noted is that of the 17 violations, there are only a few States which are involved in most of those, and they have had two and in one case 3 consecutive years of noncompliance.

Mr. ANDERSON. Mr. Jasny, in your testimony you state that if 65 miles per hour persists on most rural interstate facilities, that Congress should establish an interstate safety emphasis program to address comprehensive geometric design, safety hardware, and traffic engineering safety improvements.

Does the Center for Auto Safety have a recommendation for the percentage of I-4R funds that should be allocated for rural interstate highways that are posted at 65 miles per hour, to address your safety concerns?

Mr. JASNY. Yes, we do. We think that as a rough estimate, 20 percent of those funds should be spent on these priority areas.

Mr. ANDERSON. Mr. Donaldson, we understand that you have some experience in the area of work zone safety. Can you give us your assessment of the current state of safety in these zones, including whether or not work zones are safer now than in the past, and at which speed these zones are the most hazardous?

Mr. DONALDSON. Yes, I would be glad to do that, Mr. Chairman. In fact, I would like to do that and whittle my response down finally to addressing one of the key topics that has been brought forth here today repeatedly: 65-mile-per-hour rural interstates.

My expertise and work on safety goes back 12 years. I have been a member of the National Committee on Uniform Traffic Control Devices now for many years. I serve on the construction and maintenance zone committee, and I am intimately familiar with both traffic control practices in work zones and the Manual on Uniform Traffic Control Devices.

We also at the Center monitor State work zone practices and have for many years now, and we were intimately involved with the original regulatory drafting in 1977 of the current work zone rule in the Code of Federal Regulations.

Work zones in the United States are not getting more safe, they are getting a lot more dangerous. We have at the outset an understanding of work zone safety from data that comes from the States which is very haphazard, not very clean, but nevertheless the indications are from Federal Highway Administration surveys of the past 3 years that in 3 succeeding years—1983, 1984, and 1985—we have had about a 20 percent increase in work zone fatalities alone.

Serious injuries are harder to measure because we have, as I say, poor data which does not give us exposure rates, it doesn't give us the total amount of mileage under construction at any one time. As you are aware, some of these work zones are very fleeting; they only last a few days.

But in 1985 alone, Mr. Chairman, we had over 700 work zone fatalities, and even on a conservative measure of how many miles, surface miles, we would have under construction at any one time, that is literally an epidemic.

In other words, our work zone fatality rate per surface mile of travel in work zones probably is about as bad as we have at bridge sites, and those are the two worst sites we have in our entire 3.9 million miles of roads and streets. One State alone in the Southwest just 2 years ago, 2 calendar years ago, had over 100 of those 700 fatalities.

On rural interstate highways, I have talked consistently over the past 6 months with numerous traffic engineers, in a number of States throughout the country, particularly here in the Northeast, and many of them have told me the exceedingly difficult problems of trying to slow traffic now that they have had their interstates posted at 10 miles an hour higher than they were before.

A commonly used traffic control technique for work zones is to post them at about 45 miles an hour. They are now experiencing the requirement of slowing traffic down an average differential of about 30 miles an hour, from about 75 miles an hour to about 45 miles an hour, instead of 60 or 65 in a 55 zone, as has commonly been the case, to 45.

They have in one State alone experienced twice the number of rear-end accidents because of that, because of queuing traffic. They have had a lot more hits on highway workers.

And an interesting sidelight on this which I don't think has been brought out, the higher speeds have also caused a great deal more damage with the traffic control devices in the zones themselves, and it is not small change we are talking about when we bring up a number that involves the tens, if not the hundreds of thousands, of devices—cones, barrels, barricades, all the temporary devices which are very vulnerable to being struck by motorists—are being damaged at an increasingly severe rate.

So, I would say that all the signs point to a continued increase in work zone hazards, work zone accident experience. I see no signs on the horizon that we are going to see any quick improvement. The Federal Highway Administration's regulatory apparatus for dealing with the problem is basically, to put it in a nutshell, ineffectual. It is mostly a voluntary compliance effort by the States under a very weak regulation, and I think that strong affirmative measures by this committee and this Congress are necessary if we are going to try to reverse this tide.

Mr. ANDERSON. Well, thank you, Mr. Jasny and Dr. Donaldson, for your very excellent presentation.

Mr. DONALDSON. Thank you, sir.

[Mr. Jasny's prepared statement and Dr. Donaldson's supplement to testimony follows:]

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TESTIMONY OF HENRY M. JASNY
HIGHWAY SAFETY PROJECT
STAFF ATTORNEY

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

ON

HIGHWAY SAFETY ISSUES:

NATIONAL MAXIMUM SPEED LIMIT OVERSIGHT,

COMPLIANCE CRITERIA AND INTERSTATE SAFETY ENHANCEMENT

March 23, 1988

CENTER FOR AUTO SAFETY
HOUSE PUBLIC WORKS AND
TRANSPORTATION COMMITTEE
MARCH 23, 1988

Mr. Chairman, in 1978 the House Public Works and Transportation Committee realized the need for legislation that enacted speed limit monitoring and compliance sanctions. The Committee correctly perceived the cause and effect relationship between higher speeds and accident fatalities and enacted a bill to "achieve greater compliance with the maximum speed limit of 55 mph and to realize, thereby, the fuel conservation and lifesaving potential of this law." H.R. Rep. No. 95-1484 (Federal-Aid Highway Act of 1978).

Ten years later we are faced with a situation that threatens these safety accomplishments. Some states are lax in their enforcement of the maximum speed limit to achieve the current 50% compliance level, our highways with the highest speed limits have been exempted from statutory monitoring and compliance requirements, and the U.S. Department of Transportation (DOT) has abdicated its role in bringing about better enforcement. Moreover, even though the National Academy of Sciences predicted, and recent fatality statistics have confirmed, that elimination of the 55 MPH speed limit would increase highway fatalities, we no longer have a national consensus on maximum speed limits.

Last week, in the first session of these hearings, the NHTSA Administrator proclaimed a traffic safety victory because the highway fatality rate reached a level of 2.4 deaths per 100 million miles traveled in 1987. But her claim of "good progress" was given a realistic appraisal by the FHWA Executive

Director, R.D. Morgan, who stated recently that,

> [s]ome will say that our accident rates are going down, down, down. Big deal! At our current accident rate (per hundred-million vehicle miles), with traffic increasing around six percent a year, we'll be killing 65,000 to 75,000 by the year 2,000. That's unacceptable!

Yet, it seems to be nearly acceptable for NHTSA: the Administrator indicated, to our considerable amazement, that DOT will concede "acceptable losses" due to increased highway speeds in a trade-off for other lives saved by seat belts and anti-drunk/drugged driver programs.

These hearings offer the prospect of setting aside differences as to numerical speed limits and refocusing our efforts and attention on securing highway safety through effective enforcement of the maximum limit, whether it be 55, 60, or 65 MPH, by a commitment to genuine Federal oversight by DOT and through legislative changes to guarantee improved highway safety.

I. COMPLIANCE PROGRAM OVERSIGHT BY THE DEPARTMENT OF TRANSPORTATION

The U.S. Department of Transportation has consistently failed to properly administer the statutory scheme for speed limit compliance that Congress enacted. Congress adopted a carrot and stick approach to secure adequate state enforcement of maximum speed limits; the stick is the apportionment penalty to be imposed on a state for a violation, the carrot is the return of withheld funds when the state comes into compliance with the law.

DOT has undercut both Congressional intent and the legislative mechanism to ensure state enforcement by tossing aside the financial stick while all but guaranteeing that noncomplying states will receive their Federal apportionments.

A) DOT Policy of Administrative Delay

In each and every instance of state noncompliance with the statute, DOT has taken a leisurely wait-and-see approach to the violation. While paying lipservice to the law and FHWA/NHTSA implementing regulations, DOT practice has been to postpone administrative action, for years if necessary, until the noncomplying states can show compliance in a forthcoming fiscal year so that the penalty determinations are mooted. This has been accomplished through purposeful and continual delay in making the required compliance determinations. Unfortunately, while DOT fiddles, state violations have become more frequent and more lives are being lost on our highways.

DOT refusal to faithfully enforce the law was demonstrated by the agency's inaction for fiscal year 1984 violations. Three states reported violations of the statute for FY 1984 that should have been sanctioned by the withholding of Federal funds on October 1, 1985, the start of FY 1986. Although DOT went through the motions, determinations of noncompliance were not made until May, 1986, and then for just two of the three states. After these findings, DOT regulations give the Secretary 60 days to impose sanctions, but nothing was done until January 20, 1987, when one state was penalized and the other two, having come into compliance during FY 1986, were spared any further proceedings. Thus, final decisions were made in these cases 28 months after the end of the fiscal year in which the violations occurred, 16 months after the penalties should have been imposed, and 4 months after the end of the fiscal year in which the states should have had funds withheld. This scenario has been repeated by DOT in every instance of noncompliance and, even as we meet here today, DOT is engaging in this dilatory wait-and-see approach to its oversight responsibilities with regard to an FY 1986 violation.

These irresponsible delays have taken place despite the clear meaning of the statutory provisions, despite the requirement that Federal-aid apportionments be distributed, and penalties imposed, each October 1, and despite language in the DOT regulations that refer to _promptly_ scheduled meetings, _expeditiously_ convened hearings, and that set _specific_ time limits for the determination procedure. DOT nas supplanted the will of Congress with a contradictory agency practice that renders the statutory compliance scheme a nullity.

In this context, sanctions delayed is safety enforcement denied. In contrast, the increase in the drinking age to 21 is a clear example of effective administrative action that implemented the intent of Congress. Unambiguous enforcement of the penalty provisions in that statute has brought about 100% state compliance and will save countless lives. This is the result Congress intended to achieve by enacting the compliance sanctions of Section 154. DOT, by its inaction, destroys the statutory scheme and thereby inhibits state speed limit enforcement actions that would save lives on our highways.

B) Reservation From Obligation

DOT, in order to rationalize its policy of delay with the clear mandate of the statute, engages in a cynical procedure to avoid imposing sanctions. DOT calls this bureaucratic artifice "Reservation From Obligation." It is neither permitted by the statute nor authorized by DOT regulations.

Rather than impose a penalty of up to 10% at the outset of the fiscal year, DOT chooses to limit the state's ability to obligate its apportionment of Federal-aid Primary, Secondary, and Urban systems funds. Thus, the state is told it may only obligate 90% of its apportioned funds until such time as DOT determines the actual penalty. This disingenuous scheme delays any real financial burden to the state until near the end of the fiscal year -- if then -- and successfully defers, in DOT's view, the need to determine any penalty until the next fiscal year's compliance data have been submitted. This, of course, is done in the hope that the state will be in compliance and no actual penalty will have to be imposed.

The procedure of reserving from state obligational authority a full 10% of these Federal-aid funds undermines state compliance efforts and stands common sense on its head. A case in point was

Arizona's FY 1984 violation. On the day DOT imposed a 1% retroactive penalty on Arizona for its FY 1984 violation, the Secretary, in fact, also informed the state that it would now be able to obligate the other 9% of the Federal funds previously reserved from obligation. Far from giving the state any incentive to enforce the law, this tactic sends the opposite message to the state.

Reservation from Obligation is a subterfuge that DOT uses in order to insulate the states from the financial stimulus Congress believed necessary to secure improved state enforcement of speed limits. This procedure has diffused, if not eliminated, the impact of compliance penalties on the states. Since the states know that DOT is extremely reluctant to apply the elements of the statute requiring sanctions, speed limit enforcement on our nation's highways receives a concomitantly lower priority from the states. DOT has placed its emphasis on minimizing the possible loss of Federal-aid funds to the states, rather than on maximizing the protection of highway users from injury and death due to excessive speeds as Congress had intended.

C) DOT PROPOSED RULES ON COMPLIANCE AND SANCTIONS

The NHTSA Administrator testified before this Subcommittee on March 15, 1988, and discussed the topics of speed limit monitoring, compliance and sanctions. At no point did she mention that just 4 days before her testimony the DOT published a Notice of Proposed Rulemaking (NPRM) on those very subjects. The

NPRM, March 11, 1988, 53 FR 7943, would revamp the procedure for determining state noncompliance under the statute and would reinterpret the statute in a manner that would permit total evasion of the compliance requirements of the speed limit law.

Current regulations afford the states a full Administrative Procedure Act hearing on the issue of compliance -- a public hearing of record before an administrative law judge. Even the present informal meetings must be on the record with a transcript provided to the states. The DOT NPRM proposes the elimination of the states' right to such a hearing and would substitute an informal conference with no provision for a record or other procedural due process safeguards.

Furthermore, the NPRM seeks to legitimize DOT delay in making compliance determinations and imposing statutorily required penalties. It does this in three ways, each of which conflicts with the statutory scheme adopted by Congress. First, the wording of the NPRM would permit the Secretary to find a state in compliance even though the state's certification data exceed the 50% limit. The proposed regulation would give the Secretary discretion to determine that a state is in compliance based upon factors not in the statute. This violates the clear wording of the law and unilaterally confers upon the Secretary powers not enumerated in the statute. This represents a clear encroachment upon the legislative function of Congress.

Second, the NPRM actually attempts to authorize future DOT delays in reaching compliance and penalty determinations by specifically including a procedure to be followed when DOT fails to take timely action as required by the law. This provision blatantly sidesteps the intent of the law and seeks to institutionalize the agency delay that has undermined highway safety. DOT's plan to incorporate delay into its regulations, while at the same time eliminating the previous language that endorsed prompt and expeditious procedures, is an arbitrary and capricious proposal that would guarantee future delays in all cases of state noncompliance.

Finally, DOT intends to bolster its position by including the practice of "reservation from obligation" in its revised regulations. As we have previously stated, this is the ploy DOT has substituted for the statutorily required reduction of apportionment. It has no place in the statutory scheme and will be employed only to defeat the legislative purpose of enhanced safety enforcement.

The DOT NPRM is a baldfaced attempt to usurp Congressional authority and its legislative function through creative regulatory drafting that, in fact, rewrites the enabling legislation. If this proposal is adopted as a Final Rule, DOT will finally have succeeded in making the National Maximum Speed Limit into a total mockery.

Congress must be prepared to take corrective measures if the intended safety benefits of the statute are to be realized. DOT delay and inaction must be refuted as must the agency's attempt to revise the statute through pending rulemaking.

D) Congressional Action

In order to stop DOT encroachment upon the legislative function and fulfill the lifesaving potential of the compliance provisions of the statute, Congress should take several actions to ensure timely DOT administration of the law.

1. Make compliance data reporting to DOT due 30 days after the end of the fiscal year, with a 15 day extension for good cause shown, rather than the current January 1 date;
2. Specifically repudiate the DOT practice of Reservation From Obligation -- a tactic for protracted delay -- with respect to Sec. 154 reduction of apportionment;
3. Emphasize the necessity for DOT to determine compliance and impose sanctions by October 1 of the following fiscal year by specifically establishing that date in Subs. 154(e); and,
4. Raise the minimum penalty to 5% for noncompliance in a second consecutive fiscal year and thereafter.

The call for effective Federal administration of the monitoring and compliance regime, and for the imposition of timely and appropriate sanctions, is not an attempt to punish states. The goal is to attain the responsive enforcement of traffic speed limits that will save lives and make our highways safer.

II. Monitoring and Compliance

A) 60 MPH and 65 MPH Posted Highways

The need for monitoring speed limit compliance on rural Interstates and state tollroads that are posted above 55 MPH is self-evident. It makes no sense to monitor the 55 MPH highways but ignore the need for oversight on more than 30,000 miles of highways which are posted at higher speed limits. This discontinuity in the monitoring system undermines the efficacy of the statutory scheme and skews the results of the state speed certification data.

The Federal Highway Administration statistics which revealed an increase of over 50% in the total number of deaths on these roads in May, June and July, 1987, as compared to the same months in 1986, is in itself a convincing argument that these roads should be monitored for speed limit compliance. Even at the higher speed limits we can restrict the increase in the number of deaths and serious injuries by first assuring that the states adequately enforce those speed limits. Monitoring for compliance is a simple way to save lives on the highways now posted at 60 MPH and 65 MPH. For this reason, the bill introduced by Senator Heinz, S. 2041, for himself and Senators Simon, Pell and Proxmire, has the Center's full support as a direct and simple means of closing the safety loophole created by last year's speed limit legislation. This measure should be enacted immediately in order to extend safety enforcement and assure fairness to all the states.

B) Compliance Criteria

In addition, the issue of altering the present criteria for speed limit monitoring deserves your attention. The currently employed system permits states to place monitors on upgrades and curves where traffic speeds are naturally lower than on tangent sections of roadway. Furthermore, the present simpified method formula for computing adjustment factors permitted by DOT results in large statistical shifts between unadjusted and adjusted data. This method permits adjusted totals that can be as much as 20 percentage points lower than the unadjusted figure. Congress, the National Academy of Sciences and even agency officials recognize that the present method is a statistical game that employs adjustment factors in order to create the appearance of compliance.

The need for staightforward, fair and realistic compliance criteria is evident. A revised methodology, such as that proposed by the Transportation Research Board in Special Report 204, should be evaluated to replace the current formula. Such a system could be weighted to place greater emphasis upon reducing higher speed violations and speeding violations on the more hazardous classes of highways.

Adoption of a weighted system will better reflect the real world dangers posed by more dangerous speeds or on more hazardous highways, will permit the states to prioritize their safety needs based upon that experience and offer the states flexibility in their enforcement strategies. This method of computation would better accommodate state enforcement resources and highway safety concerns.

The method of computation must be based upon the raw data retrieved by highway monitors, modified only by appropriate statistical measures required by accepted mathematical procedure. Implementation of a weighted formula must be accompanied by an accurate evaluation of each state's road system and an analysis of existing highway safety factors in order to accurately categorize different classes of state highways. This system should also require more rigorous monitoring procedures to assure objective consistency in the collection of data from each class of highway.

Weighted compliance criteria utilizing a point system, if properly administered by DOT, could attain improvements in speed limit enforcement while removing the perceived inequities of the currently employed formula.

III. THE INTERSTATE SAFETY EMPHASIS PROGRAM

But even more is required than faithful DOT oversight and weighted compliance criteria, Mr. Chairman. Last year's increase in rural Interstate fatalities are a warning that much more must be done to save lives and improve highway safety. The encouragement of safer driver conduct through increased use of seat belts and reduced consumption of alcohol and drugs is not enough. The highways themselves that are posted now at 65 mph need to be made safer. Despite the current fiction of 70 mph and 80 mph "design speeds" on our rural Interstates that many 65 mph proponents have repeatedly relied on, the fact is that numerous portions of rural Interstate highways throughout most of the states that have moved to 65 mph, have substandard design features; inadequate pavement markings, signs, and other traffic control devices; and out-of-date, hazardous bridge railings, guardrails, and other barrier systems, along with appurtenances such as sign supports and luminaires that do not have proper breakaway or frangible characteristics. Many of these rural Interstates, for example, have short acceleration lanes for merging into mainline traffic, severe curve geometry on exit ramps that ensure truck jackknifing and rollover, and many other design inadequacies, especially in those portions that approach the arbitrary boundaries in each state between rural and urban Interstate classification.

If 65 mph persists on most of our rural Interstate facilities, Mr. Chairman, then we believe that this Congress must direct the DOT and the states to make a concerted effort, with all dispatch, to enhance the overall quality of the operating environment on these highways. We are convinced that this will not be accomplished through exhortation and by hit-and-miss state efforts, but only by means of a statutory command from this Congress that FHWA and the states must initiate systematic safety design improvements throughout all rural Interstate mileage that is posted at 65 mph. This should consist of specific legislative direction to the FHWA and the states that establishes an Interstate Safety Emphasis Program (ISEP) that directs that I-4R projects in each state must be ranked and let to address these comprehensive geometric design, safety hardware, and traffic engineering safety improvements as the first order of business in our Federal Interstate rehabilitation effort.

Further, we think that the Congress should strongly consider requiring a minimum percentage of each state's I-4R allocation to be spent on these safety improvement strategies. The states should be required to certify this minimum expenditure at the close of each fiscal year. 23 U.S.C. Sections 104(b)(5) and 119 should be amended to mandate this minimum percentage requirement, the certification affidavit and an additional reporting requirement by the states to the FHWA on the character of their ISEP and, in turn, an annual Federal report to Congress on the quality of the states' improvements of these 65 mph rural Interstate highways. In addition, 23 U.S.C. Section 105(c) could be appropriately amended to reflect Congressional resolve that it is a statutory condition of any state's Federal-aid program approval that it provide priority emphasis to reconstructing and rehabilitating any rural Interstate section posted at 65 mph in a manner that will conform to the state-of-the-art in design, traffic control, and safety apputenance engineering. 23 U.S.C.

Section 101(b), last paragraph, could be amended to reflect that Congress deems this effort to be national policy of the highest order so as to ameliorate the adverse consequences of higher speed limits and operating speeds on most of our nation's rural Interstates. These amended provisions would be referenced in 23 U.S.C. Section 154(a), which can be amended also to require Secretarial approval of any Federal-aid Interstate project only if each state has an FHWA-approved ISEP and is expeditiously designing and letting projects for rehabilitating 65 mph-posted rural Interstate sections with documented safety deficiencies.

Similarly, Mr. Chairman, we also believe that any state contemplating approval of additional rural Interstate mileage to be posted at more than 55 mph, must seek and gain approval by the Federal Highway Administrator, under uniform regulations promulgated by the FHWA of a systematic, priority I-4R safety program -- an ISEP -- for the rapid improvement of all aspects of the candidate highway.

If Congress can respond to the safety threat posed by 65 mph travel in an expeditious manner, we think that the General Accounting Office should be asked to perform an audit in, say, 1991 that evaluates both the accuracy of the states' certification of minimum I-4R expenditures for ISEP projects, the quality of the Federal management of the ISEP effort, and the quality of the rehabilitation safety work performed under the ISEP.

In sum, a comprehensive effort needs to be made to reduce the severe consequences of substantially higher travel speeds on most of our nation's Interstate highways, an effort that encompasses better enforcement of posted speed limits; reduced drinking/drug use and driving; increasingly severe penalties as speed limits are violated at greater speeds; improved geometric design; better crashworthy barriers and railings, signs and lighting supports, and impact attenuators; and state-of-the-art traffic control devices and markings, both permanent installations and the devices and markings temporarily deployed in Interstate work zones allowing through traffic.

Mr. Chairman, more belts, more police and less liquor are good countermeasures, but they are not nearly enough to offset the depreciation of the tremendous public health goals that were secured by 55 mph as the maximum speed limit for all highways without exception. Sixty-five mph represents a serious threat to public safety whose deleterious effects can be blunted only through a systems engineering approach that consists of strategies for improving all three major components of surface transportation: the driver, the vehicle, and, most particularly, the roadway. Any less of an effort will consign hundreds of additional lives to funeral homes, will cause many additional thousands to suffer severe injuries, and will guarantee additional millions of dollars of property damage and losses.

In conclusion, the Center urges the Subcommittee to revamp the speed limit monitoring system, to alter the course of needless delay that DOT has set for compliance sanctions, and to embrace the Interstate Safety Enhancement Program set forth in our testimony. Through these changes in Federal law, state enforcement conduct and U.S. DOT oversight we are confident that improved highway safety can be achieved on our highest speed roadways.

CENTER FOR AUTO SAFETY
2001 S STREET, NW SUITE 410 WASHINGTON, DC 20009 202•328•7700

March 24, 1988

Hon. Glenn Anderson, Chairman
Subcommittee on Surface Transportation
Committee on Public Works and Transportation
Rayburn House Office Building 2165
Washington, DC 20515

Dear Mr. Anderson:

At the conclusion of our testimony before you on March 23, 1988, concerning highway safety issues, you asked whether work zone safety was improving throughout the nation. We would like to take this opportunity to amplify our response for insertion in the hearing record.

Unfortunately, work zone accidents are virtually at epidemic proportions, especially given the fact that at no time do we have more than a fraction of one percent of our 3.9 million miles of roads and streets under reconstruction or rehabilitation. In 1982, total work zone fatalities, for example, were 489. In 1985, these losses soared to 678 dead and, in 1986, to 704 dead (see, attached FHWA summary report).

Even at a gross level of analysis, it is apparent that work zone accidents are an extremely significant -- and rapidly growing -- part of our annual traffic accident experience which are not being successfully dealt with by the states and the Federal Highway Administration (FHWA). There are three major reasons for this distinct and continuing lack of success in reducing work zone accident losses:

1) FHWA is increasingly willing to divest itself of its management responsibility for the amendment of the Manual on Uniform Traffic Control Devices (MUTCD) and to allow the revision of the MUTCD to be taken over by private-sector groups who want traffic control device standards and design unifomity to stop at a border marked "Federal-aid project." In fact, the current FHWA tendency is to allow a distinct bifurcation of traffic control device design and use in which some uniformity for Federal-aid work is required, but very little for non-Federal-aid projects. If the scenario for a reduced Federal funding presence in many non-Interstate program areas is realized, we can expect further discrepancies to occur between work zone standards for Federal-aid work and for non-Federal-aid projects.

2) In those areas of traffic control device design and standards

(more)

for practice addressed by FHWA in MUTCD revisions, the tendency of the agency has been to allow a wide variety and diversity of devices and markings in work zones which contradicts the well-known basic principle of positve guidance in traffic engineering theory always to meet driver expectancies by supplying devices and markings for information and guidance that are uniform. No greater variety in traffic control exists today on our highways than in work zones, which arguably are the most dangerous operating sections of our nearly 4 million miles of roads and streets. Apart from the unfortunate fact of literally hundreds of different "maverick" devices and deployment schemes used by numerous jurisdictions throughout our country -- especially on those roads and streets that use no Federal assistance -- even the wide variety of devices countenanced and forwarded by the FHWA promotes driver confusion.

For example, FHWA has recently engaged in a flurry of rulemaking over what shall be the requirements for work zone temporary or short-term pavement markings. Despite the fact that work zones allowing through traffic are manifestly more dangerous than permanent roadways, FHWA has advocated markings for delineating and channelizing traffic that are far below the 10' long with 30' gap standards for permanent markings. These markings can be as short as 2' long with an 18' gap.

Similarly, the MUTCD published by FHWA currently allows full interchangeability -- and even on-site intermixture -- of a wide variety of work zone channelization devices with tremendous differences in target value and conspicuity, such as vertical panels, 18"X36" drums, cones, and barricades with one or two panels. Some of these devices must be used with accessory lights, some may have lights or not, and some rely exclusively on retroreflectorization.

3) Many states and contractors are still practicing poor on-site traffic control in work zones because of ineffectual FHWA oversight. The current FHWA regulatory apparatus for dealing with work zone safety is of 1976-77 vintage and relies strongly on voluntary compliance by the states with the majority of the provisions in 23 CFR Pt. 630 Subpt. J. Moreover, the regulation is weakly drafted and has no penalty for failure to comply. Among this rule's defects are:

- allowing the use on many projects of stock, schematic Traffic Control Plans (TCP) which cannot encompass the variety of complex conditions found on many projects;
- allowing contractor development of TCPs, many of which are simplistic and inadequate;
- allowing designation of a "responsible person" (§ 630.1010(b)) to oversee work site traffic control who is not an engineer or even specially-trained traffic control expert;

(more)

- allowing states to use lump-sum bidding for traffic control as an incidental project feature rather than requiring unit pay item bidding;
- allowing training of responsible traffic control personnel to be accomplished without Federally-prescribed minimum standards and certification.
- allowing the states to gather and use work zone accident data that are disorganized and unreliable and, further, failing to require the states in the § 630 regulation to report construction zone accident data in a uniform format to the FHWA.

In sum, the reasons for these alarming increases in work zone accidents, especially in recent months on our highest speed Interstate highways, lies preponderantly at the doorstep of the FHWA due to a chronic lack of vigorous Federal regulation and oversight, laissez faire adminstration of the national standards for work zone traffic control in the MUTCD, and, most recently, the failure even to suggest innovative strategies for coping with the elevated travel speeds on our Interstate highways due to the 65 mph permissive posting amendment of 1987.

With regard to the last mentioned, many work zones require reduced operating speeds for through traffic, usually to about 40-45 mph. With travel speeds on many Interstate highways now averaging nearly 75 mph, the consequences of demanding a 30+ mph reduction in speed for traffic is being realized daily across the U.S. by Emergency Medical Services ambulances at Interstate highway work zones.

Respectfully,

Gerald A. Donaldson, Ph.D.

ENCS: 1

U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Washington, D.C. 20590

Subject FY 86 Annual Work Zone Traffic
Summary Report

Date November 26, 1986

From Executive Director

Reply to
Attn of
HHO-31
HHS-12
HTO-21

To Regional Federal Highway Administrators
Regions 1-10
Direct Federal Program Administrator

Work zone traffic safety remains a high priority within the FHWA. As a result of efforts by the States, the construction industry, and the FHWA, we are achieving improvements in the safe and efficient movement of vehicular and pedestrian traffic through work zones. However, based on my observations and the findings in the attached report, additional improvements are needed.

Work zone safety must be considered in all phases of project development. Safety techniques must be applied from preliminary planning through construction and maintenance activities. The attached report identifies a number of areas of concern that must be addressed. The more significant concerns are unit bid prices, the discontinued use of the review teams, lack of reporting, and poor adherence to otherwise acceptable traffic control plans.

a. Although there has been a greater acceptance of the unit bid price approach, there is still an overuse of the lump sum method. As an agency, we have endorsed and encouraged the use of unit bid prices to improve traffic control in work zones. Therefore, I expect the FHWA to continue to encourage the use of this concept.

b. Some States have discontinued the use of review teams which were to evaluate work zones and propose improvements. Experience has shown that work zone traffic safety has improved when the review team's recommendations are implemented. This is why the review team requirement was placed in FHPM 6-4-2-12. The regional and division offices should work toward reinstating effective review teams in all States.

c. Eleven States did not submit an annual report as required by FHPM 6-4-2-12 and Mr. Rex C. Leathers' memorandum dated September 5, 1985 (refer to Attachment 4 in the report).

I want to assure that work zone safety continues to receive strong emphasis within the FHWA. Each regional and division office should address the specific problems identified in the attached report. Specific actions taken by the regional and division offices should be included in the next transmittal of the State's annual report. The next State report, due March 31, 1987, should be sent to the Office of Highway Safety (HHS-12).

Success in improving work zone traffic safety and operations will depend on all of us doing our part. Therefore, I ask your cooperation in implementing this program.

R D Morgan

R. D. Morgan

Attachment

FY 86 Annual Work Zone Summary Report

BACKGROUND

Work zone safety remains a high priority of the FHWA. Significant improvements have been achieved in worker safety and in the safe and efficient movement of vehicular and pedestrian traffic through work zones. While progress has been made, there is room for improvement with continued vigilance by the FHWA.

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Over the last 4 years, work zone fatalities have risen from 489 in 1982 to 678 in 1985. During the 1982 to 1985 period, work zone fatalities on the Interstate System increased from 121 to 224. This increase is of concern, even considering that the Interstate System carries high volumes and has experienced an increase in the number of projects. These accident trends are indicative of the need to assure a safe environment for highway users as well as workers, in or around work zones.

FINDINGS

Two summaries of findings are attached. The first summary is based on the States' annual work zone traffic safety reports (Attachment 1) and the second is based on Headquarters field reviews (Attachment 2).

Positive findings observed during reviews include the following:

- Implementation of new technology in the field, such as temporary traffic signals, changeable message signs, and truck-mounted impact attenuators (recent innovations are described in Attachment 3),
- Greater acceptance of the unit bid item approach for traffic safety items,
- Use of computerized accident documentation systems in field offices,
- More widespread use of plastic drums in work zones,
- Application of corridor traffic management techniques,
- Use of selective enforcement in work zones for speed and traffic control, and
- Development of performance specifications for the retroreflectivity of construction traffic control devices.

Some work zone problems were also noted. The traffic control plans are generally well designed and their initial implementation is appropriate. However, as the projects progress, adherence to the traffic control plans and the condition of the traffic control devices deteriorate. This lack of adherence to the traffic control plans and deterioration are major problems. Also, work zone accidents are not being analyzed on a statewide or project level basis. Specific findings are presented in Attachments 1 and 2. Based on these findings, the following general recommendations are listed below.

RECOMMENDATIONS

Preconstruction Procedures

- Assure that traffic control plans and standards are properly designed and implemented, with due consideration to the traffic flow, construction requirements, worker and pedestrian safety, and the MUTCD.
- Address the prevalent problem of poorly maintained traffic control devices through establishing and use of unit bid items and/or pay deductions.
- Establish and/or enforce strict operating requirements for flashing arrow panels.
- Develop pavement dropoff guidelines by suggesting proper advance signing, shielding, delineation, and/or mitigation for various conditions.

Work Zone Monitoring

- Reinstitute work zone review teams in States that have discontinued this FHPM-required practice.
- Address the problem of poorly maintained traffic control devices and adherence to the traffic control plan through increased inspection of work zones both day and especially at night by FHWA and ~~the~~ States.
- Assure that inappropriate signs are covered or removed. Consider the use of a pay deduction for noncompliance.
- Assure that appropriate safety hardware is used in work zones, including adequate portable concrete barrier connections and crasnworthy end treatments.
- Monitor projects to assure that both temporary and permanent pavement markings and signing are properly applied and/or removed in work zones.

Accident Analysis

- Review and monitor the reporting and analysis procedures of statewide and site-specific work zone accident data.

Training

- Encourage State and FHWA participation in work zone training efforts.

CONCLUSIONS

Proper work zone traffic control must include day-to-day attention to details. The above recommendations address this issue. The continued implementation of the TCP and the maintenance of all traffic control devices are the real needs that must be addressed by management at all levels.

An effective work zone management strategy requires accountability and supervision. To that end, Headquarters will be conducting process reviews to evaluate both the regional and division office efforts to assure adequate work zone traffic control. Regional offices should monitor the divisions' progress in implementing the above recommendations discussed in the report.

The FHWA must continue national leadership in addressing the work zone traffic safety problem. This national concern is significant and the FHPM was developed to implement procedures that would assist the State highway agencies in solving this safety issue.

4 Attachments

ATTACHMENT 1

SUMMARY OF FINDINGS FROM STATES' ANNUAL WORK ZONE TRAFFIC SAFETY REPORT

The following findings were made based on a limited response -- only 39 divisions submitted State reports or related work zone information. Efforts should be made by field offices to improve the number of future responses.

1. 34 States indicated that their review teams have conducted work zone inspections.

2. 24 States reported statewide and/or project analysis of work zone accidents.

3. 15 divisions reported that their States comply with FHPM 6-4-2-12 on "Traffic Safety in Street and Highway Work Zones."

4. Various States propose to increase work zone safety by improving the data collection and analysis process, providing more training, improving traffic control plans, and/or reviewing specifications on traffic control devices.

5. 13 States claim overall improvement in work zone safety.

6. The most frequently noted major problems include:

    a. Poor maintenance of traffic control devices (20 States),
    b. Improper flashing arrow panel operations, such as too bright, improper placement, incorrect flashing pattern, etc. (9 States),
    c. Inapplicable signs posted (9 States),
    d. Poorly designed traffic control plans (9 States),
    e. Poor accident reporting practices (6 States), and
    f. Improper flagging practices (6 States).

ATTACHMENT 2

SUMMARY OF FINDINGS FROM VARIOUS HEADQUARTERS FIELD REVIEWS

These findings are based on the following reviews:

- Joint national reviews on work zone safety conducted by the Offices of Highway Operations, Highway Safety, and Direct Federal Programs,
- Pavement marking reviews by the Office of Traffic Operations, and
- Construction and maintenance reviews conducted by the Office of Highway Operations.

The review findings are listed below. These findings are not necessarily listed in order of priority.

Work Zone Safety Procedures

1. Traffic control plans (TCP's) were consistently found to be in conformance with the general guidance contained in the MUTCD and FHPM 6-4-2-12.
2. Although review team inspections of work zones are considered effective, some States have failed to implement or continue them.
3. Unit bid items for traffic control generally resulted in better traffic safety in work zones.
4. Incentive and disincentive clauses are being effectively used to accelerate the progress of projects thereby reducing the periods of disruption.
5. There was often a lack of consideration for pedestrians during the the development and implementation of the TCP's.
6. As part of State procedures, construction warning signs are left in place until the contract is accepted by the State and FHWA. These unnecessary signs tend to breed motorist disrespect for all construction signing.
7. An insufficient number of night reviews were conducted by State and Division personnel.

Traffic Control Devices

8. As projects progress the adherence to the traffic control plan and condition of the traffic control devices are deteriorating. The day-to-day housekeeping activities are not being done as well as could be.
9. The use of channelizing devices with high retroreflective grades of sheeting appears to be as effective as steady burning warning lights in delineating the roadway.

10. Temporary raised asphalt islands are being used more frequently on two-way, two-lane operations on normally divided highways.

11. Better traffic control techniques are being used for moving and short term operations.

12. Inapplicable signing was often evident.

13. Flashing arrow panels were at times not in accordance with the MUTCD. In particular, these devices were often not dimmed at night. This problem is most acute for truck drivers due to their higher eye height.

14. Some inappropriate pavement markings were covered by paint in lieu of physical obliteration. Also, temporary markings were not provided, in conflict with other markings, or inconsistent with their intended purpose.

15. The use of plastic drums is gaining wider acceptance.

16. Traffic control for permit work zones such as utility construction was generally poor.

17. All too often, traffic control devices were not adequately maintained. In particular, night performance was often inadequate.

18. There is more widespread use of temporary pavement markings, particularly preformed tape and temporary raised pavement markers.

19. Temporary pavement markings were often too short and not in conformance with the temporary pavement marking guidelines listed in Dr. John P. Eicher's May 3, 1985, memorandum.

Safety Hardware

20. Portable concrete barriers were often not properly connected to each other and had improper end treatments.

21. There is improved delineation of portable concrete barriers.

Construction Operations

22. Pavement dropoffs were often improperly delineated, shielded or mitigated.

23. Substantial delays to traffic are sometimes incurred to expedite the contractor's operations.

Accident Analysis

24. Work zone accidents were frequently not analyzed on a statewide or project level basis.

Training

25. There is an increasing need to train new hires and to provide refresher courses to the more experienced personnel in the area of work zone safety.

26. The quality of flagging practices varied from poor to excellent.

Mr. Anderson. If there is no objection, we will make part of the record at this point the Speed Summary Report for the State of Ohio, as well as the prepared testimony submitted by the Maryland Chapter of the Citizens for Rational Traffic Laws, Inc.

[Items referred to follow:]

SPEED SUMMARY REPORT

Send to Office of Highway Planning HHP-44
QUARTERLY REPORT - CALENDAR QUARTER ENDING December 11, 1987

STATE Ohio 3 9 1 8 8 (State Code, Quarter, Year)
(3 4 5 6 7)

SYSTEM	CARD NO.	VMT WEIGHTING FACTOR	(55 MPH) MILES	NO. OF SESSIONS	NO. OF VEHICLES OBSERVED	PERCENT EXCEEDING 55 MPH	SPEED			PERCENT EXCEEDING	
							AVERAGE	MEDIAN	85TH PER-CENTILE	60 MPH	65 MPH
URBAN INTERSTATE	(1-2) 10	(8-11) 3 7 0	(12-17) 6 63 0	(18-20) (4) 7	(21-26) (118526) 2 2 8 2 8 1	(27-30) 7 6 9	(31-34) 5 9 1	(35-38) 5 9 2	(39-42) 6 5 6	(43-46) 3 7 4	(47-50) 1 2 8
URBAN OTHER FREEWAY & EXPRESSWAYS	(1-2) 20	(8-11) 0 7 6	(12-17) 29 9 0	(18-20) (2) 2	(21-26) (31583) 3 1 5 8 3	(27-30) 6 5 1	(31-34) 5 8 0	(35-38) 5 7 9	(39-42) 6 3 6	(43-46) 2 4 6	(47-50) 6 4
URBAN OTHER PRINCIPAL ARTERIALS AND MINOR ARTERIALS	(1-2) 30	(8-11) 0 2 7	(12-17) 2 8 1 0	(18-20) (2) 2	(21-26) (19361) 1 9 3 6 1	(27-30) 6 9 0	(31-34) 5 8 0	(35-38) 5 8 3	(39-42) 6 4 0	(43-46) 2 8 2	(47-50) 6 5
RURAL INTERSTATE	(1-2) 40	(8-11) 0 1 4	(12-17) 5 6 0	(18-20) (2) 2	(21-26) (46417) 4 6 4 1 7	(27-30) 8 5 3	(31-34) 6 0 8	(35-38) 6 0 6	(39-42) 6 5 9	(43-46) 4 6 6	(47-50) 1 4 1
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PERCENT OF TOTAL STATEWIDE VMT ON FACILITIES WITH 55 MPH SPEED LIMITS 5 8 0 1
(51 52 53 54)

Statewide percent exceeding 55 mph using the "Simplified Adjustment Method"
Half of sum of statewide totals of percent exceeding 55 mph & 60 mph, i.e. ((%over 55 mph + % over 60 mph)/2)=42.8

Citizens for Rational Traffic Laws, Inc.
Maryland State Chapter
714 Timber Tree Place, Crownsville, MD 21032 – *Jerry Nowlin, State Chapter Coordinator*

National Offices: 6678 Pertzborn Road, Dane, Wisconsin 53529 – *James J. Baxter, President*

Mr. Chairman, and members of the Committee, My name is Jarrell Nowlin and I am here today representing the Citizens for Rational Traffic Laws.

Our organization strongly recommends the complete repeal of Federally mandated highway speed limits, the return of speed limit regulation to the individual states, and the basing of speed limit regulation on highway design, traffic volume, and quality of maintenance.

Prior to the ARAB oil embargo of 1973, for almost sixty years the individual states controlled highway speeds. It is our opinion that the individual states are best equipped to identify, implement and control specific highway problems. The money collected for the highway Trust Fund is directly collected from the individual state users and is directly proportional to the amount of vehicles and miles driven in any specific state.

In Maryland, for example, the traffic death rate was 4.63 per hundred million vehicle miles in 1968. By 1973, the fatality rate had declined to 3.20, despite the fact that posted highway speeds were increased from 60 to 70 miles per hour in 1969. While it is true that the number of highway deaths declined after the 55 mile per hour speed limit was established, it is also true, and often overlooked, that the number of miles driven plummeted during those days of gasoline lines and relatively high prices. As a result, the death rate after the speed limit was lowered merely continued to show a steady incremental decline, a pattern that had been established years before.

Nationally, the highway death rate had been falling for years as well.

The CRTL represents over 15,000 serious and knowledgeable motorists, advocating reasonable, responsible traffic laws and motor vehicle regulations.

In the 1920's, when it was first calculated, the death rate in the United States was approximately 20 per hundred million vehicle miles. By the mid-1940s, the fatality rate was cut in half, and by 1974, the rate was approximately 4.0 (fatality rate). In 1985, the rate was 2.68, and last year after an increase in the National Maximum Speed Limit to 65 M.P.H., the death rate reached a "RECORD LOW" 2.4, as recently released by Secretary of Transportation, Mr. Burnley.

The reasons for this fatality decline are many and varied, and not attributable to any one single change in the driving environment. Drivers today are better educated, and the driving public is maturing. Automobile suspensions, tires, and brakes are far better than they were only a few years ago. Should an accident occur, modern cars are designed to absorb impacts that formally were transmitted to the vehicle's occupants. Highly advanced emergency medical treatment is saving accident victims who surely would have died in the past. Better road design, the wider use of seatbelts and the national war on drunk driving have also played a part in reducing the death rate.

But, while the 55 MPH Speed Limit had little or no effect as a highway safety measure, it has however generated 8.5 Million tickets in 1986 for America's motorists and has proven to be disasterous both as a law and as an expression of public policy.

Not since Prohibition has government tried to impose on it's citizen's a law which so clearly conflicts with the demonstrated will of the People. Our interstate highways were carefully designed so that the average motorist would feel safe and comfortable driving at 65-70 Mile Per Hour. Traffic Engineers have long known that the chief effect of setting an artificially low speed limit is to make law breakers out of drivers who may not, in fact, be doing anything dangerous. Ignoring this, simple truth has resulted in a situation where more than 80% of the motorists on some interstate highways are exceeding the speed limit. On these roads, it seems obvious that it is the law, and not the motorist, which is at fault. The biggest deficiency of a national Speed Limit is that it disregards the core principles of lawmaking in a democracy, which is that the reasonable and prudent actions of rational people ought not be illegal. It is clearly impractical to try and set one National Speed Limit in a driving environment as diverse as that found in the United States. Our Nation, is a vast land, with widely varying local conditions. Each State is truly unique and different. Local government transportation officials are best equipped to determine appropriate speed limits for a given state road.

Prior to 1973, there was no perceived need for federal intervention in this area of responsibility, and even now, one is hard pressed to imagine any conceivable need to have the Congress of the United States determine maximum speed limits on every road from I-95 in Maryland to I-10 in California. Logically highway speed limits in each state should be set by that state's officials and accountable to their citizens.

Unnecessary, inappropriate and ineffective, the National Maximum Speed Limit, with or without compliance formulas, should be laid to rest, so that Engineers and local officials can set rational and practical speed limits for America's highways.

Mr. Anderson. I guess that's it.

The subcommittee stands adjourned.

[Whereupon, at 4:30 p.m., the subcommittee was adjourned.]

HIGHWAY SAFETY ISSUES

TUESDAY, MAY 3, 1988

U.S. House of Representatives,
Subcommittee on Surface Transportation,
Committee on Public Works and Transportation,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:11 a.m., in room 2167, Rayburn House Office Building, Hon. Nick Joe Rahall [chairman of the subcommittee] presiding.

Mr. Rahall. The subcommittee will come to order.

Today the subcommittee will conclude its scheduled hearings on highway safety issues. We have two witnesses scheduled. I look forward to receiving some excellent testimony today.

[The prepared statements of Mr. Hammerschmidt and Mr. Lightfoot follow:]

Statement of Hon. John Paul Hammerschmidt, Subcommittee on Surface Transportation

Thank you, Mr. Chairman. I am looking forward to our final day of hearings by the Subcommittee on Highway Safety Issues.

Highway safety is an issue which affects almost every American.

I am proud of the work this committee has done over the years to improve the conditions on our Nation's highways. Statistics point to a downward trend in drunk driving, increased usage of safety belts and child safety seats, and an overall decline in the highway fatality rate since 1980. Though these numbers are encouraging, we must not stop in our quest for even safer highways. We must continue to probe the issues and stay informed on developments in order to act appropriately when necessary.

Another issue to be discussed today in which I have great interest is handicapped parking. I look forward to finding a viable solution to the problems handicapped drivers face in travelling across State lines.

I commend you, Mr. Chairman, for holding this valuable series of hearings on highway safety.

Statement of Hon. Jim Lightfoot

Thank you, Mr. Chairman. I also, want to thank those who have joined us today as witnesses.

During the past two hearings on highway safety issues, many important concerns have been raised in a variety of areas and more will be raised today. I look forward to working with the chairman and the rest of the members of the subcommittee as we try to address these concerns in a constructive manner in future legislation.

As we conclude this series of hearings, I want to stress a few issues that I believe should be among the committee's priorities in the area of highway safety as we proceed in this area. First, we need to continue with efforts to improve motor carrrier safety without further unnecessary regulatory burdens. With regard to the federally required speed limit, we should proceed cautiously with revisions in this area in view of the lack of complete data on the impact of the relatively new 65 m.p.h. speed limit on rural interstates. We should also use this opportunity to review the speed limit compliance formula in order to determine whether there is a more equitable way for the federal Government to encourage safe driving. I am inclined to believe we need to avoid in future legislation, if not actually repeal the existing law, the use of what amounts to blackmail against the States in order to get them to adopt policies that more appropriately fall within the jurisdictions of the State governments.

These are just a few of the many important issues in the area of highway safety that we'll be discussing today, and I look forward to hearing the testimony on other issues as well.

Thank you, Mr. Chairman.

Mr. RAHALL. Would our first witness, Judith L. Stone, come forward, please.

I would like to welcome Judy as she appears before this subcommittee for the first time in her capacity as Director of Federal Affairs of the National Safety Council.

The committee has benefitted tremendously through her representation of the National Association of Governor Safety Representatives, and we look forward to an even greater relationship with you, Judy, as Director of Federal Affairs for the National Safety Council.

We welcome you to the subcommittee, and without objection, your full testimony will be made a part of the record.

You may proceed as you would like.

TESTIMONY OF JUDIE STONE, DIRECTOR, FEDERAL AFFAIRS NATIONAL SAFETY COUNCIL

Ms. STONE. Thank you, Mr. Chairman.

Mr. Chairman, I'm Judie Stone, the Director of Federal Affairs for the National Safety Council.

Before I get into my prepared testimony, I wanted to inform this committee—I wanted you to be the first to know — that the National Safety Council has just adopted a new award that will be given in the memory of Chairman Howard. It is now called the James J. Howard Legislative Leadership Award. We adopted that last week at a Board of Directors meeting, and it will be presented posthumously to his family.

The purpose of the award is to recognize safety leadership among Members of Congress. Although I'm not sure that we'll be giving it out every year, we will be giving it out as time goes on to other Members of Congress.

The Council is involved in public policy aspects of a wide range of highway and other safety issues, including the effects of drunk driving and excessive speed, pedestrian safety, safety belt and child safety seat use, automatic crash protection, truck safety, and prevention of injuries to children.

The focus of our testimony today will be on the status of educating the public on excessive speed as a primary risk factor. I want also to touch briefly on a National campaign to prevent childhood injuries that we support, along with Children's Hospital in Washington, D.C., Johnson & Johnson, and three dozen or so other National organizations.

The Safety Council has joined in this five-year, grassroots effort with these other organizations to establish the National Coalition to Prevent Childhood Injury. The campaign's mission is to reduce preventable injuries to children. Preventable injuries are the leading risk facing children today.

The five most common causes of preventable injury to children are: motor vehicle crashes, burns, drowning, falling, choking, and poisoning. In 1986, approximately 7,800 children were killed and an astounding 50,000 were permanently disabled by unintentional injury.

The key to injury prevention is through public education and legislative action. The Coalition seeks to do this through a specific public policy agenda and a National awareness program.

May 16 through the 22nd of 1988 is National Safe Kids' Week. This will be kicked off by the Surgeon General, our honorary National Chairman. A Rose Garden signing ceremony for H.J.Res. 481 establishing the week is scheduled for May 13, and press conferences in 15 target cities will highlight local Coalition issues. The National campaign has distributed a wide variety of public service announcements and other media materials to explain the campaign.

Some of the issues that are included in the first year of the public policy agenda developed by various members of the Coalition are: establishment of State task forces to examine ways of reducing childhood injury—which would be a request from the Surgeon General to the Governors of the States.

Several child passenger safety initiatives, including strengthening State laws and increasing the correct usage of safe child safety seats;

A ban on the sale of all three-wheeled all-terrain vehicles and four-wheeled all-terrain vehicles intended for use by children;

Support of efforts of the American Academy of Pediatrics and others to achieve a National agreement with hot-water heater manufacturers to preset water heaters at 120 degrees to reduce the risk of scalding burns.

To support continued funding for the Center for Disease Control Injury Prevention Program.

We're going to be taking up some other public policy initiatives in the ensuing years, including efforts to curtail child pedestrian deaths and injuries, increase the use of bike helmets by children and parents, and requiring adequate fencing around public and private swimming pools and bodies of water.

This is an exciting program with enormous potential for changing the attitudes and ultimately the behavior of millions of our Nation's citizens about this most pervasive and costly problem.

As you on this committee have been helpful and supportive of past highway safety projects, we look forward to making continued progress on SAFE KIDS with you and members of your staff.

I would like to submit for the record materials explaining the Safe Kids campaign.

Moving on to the speed limit and speed issues, last year we testified before this committee that we were interested in increasing public understanding of speed as a primary risk factor in motor vehicle crashes. We also questioned at that time whether a hypothetical proposal to cure airport delays by giving States discretion to speed up the planes with the related costs of just a few mid-air collisions with losses of 500 lives a year would be acceptable public policy.

Today, we might use as an example allowing aging Boeing 737's to fly just above 23,000 feet, the apparent point above which the risk of the roof being torn off might grossly escalate, because it would help relieve airport congestion.

Unfortunately, these concerns and our hypothetical cases are even more relevant today. Some 40 States have chosen to raise speed limits on rural interstate highways to 65 miles per hour. Average speeds have risen in most States, and the debate rages on about exact numbers of resulting fatalities.

The preceding year of data available to us since the change in the national maximum speed limit is probably not perfect. Data rarely is. But we have a very strong and clear indication from it, across the Nation, that average speeds have increased and that more people are dying and sustaining more severe injuries on these roads.

We believe that data soon to be released from the National Highway Traffic Safety Administration will show that the National Academy of Sciences report predicting an additional 500 lives would be lost per year were the speed limit to be raised on rural interstates to be very much on target.

In addition to the disturbing fatality and injury numbers, the very fact that we have allowed the national speed limit to rise on many roads has promoted further the erroneous idea that excessive speed plays little negative role in the traffic safety picture, and that speeds in the range of 65 and 70 are generally safe.

That misleading message has been delivered both directly and indirectly, and perhaps unintentionally, to the American public through the decade of the 1980's. We see this message in the proliferation of radar detectors, devices designed to circumvent speed laws, clear and simple. We talk about following too closely, improper lane usage, and unsafe passing and reckless operation as problems on police traffic accident reports instead of calling them what they are: excessive speed violations.

What more direct message is there that it's not only OK to speed, but desirable to do so, than television and print advertisements dangling the prospects before the American public that they too can drive their very own muscle car that can go from 0 to 90 miles per hour in a matter of seconds?

The environment in which the speeder travels today is a highly complex one, with deteriorating roadway appurtenances, a more diverse and dangerous vehicle mix than two decades ago, much less careful regard for general traffic law compliance, and more aberrant driving behavior.

It appears that the speed genie is out of the bottle, and it will be very hard to get it back in. This committee's deliberations about Federal requirements for monitoring and compliance with speed limits in the States are crucial at this time, and the Council supports efforts to develop a more equitable formula for establishing compliance with both 55 and 65 miles per hour speed limits.

But we feel more attention needs to be paid to the issue of the mixed message being sent to the public about the role that excessive speed plays in a crash. If time proves us unable to fix this problem, we fear that the increasing fatality and injury numbers with resulting tragic personal and social cost consequences will continue to rise at a rapid rate.

We fear the hard-won gains of the anti-drunk driving movement and child restraint laws and belt laws and airbags will be lost to excessive speed.

Beefed-up enforcement can be a solution, but enforcement of the kind we need to see may not be possible. We have put on the books so many new and important traffic safety laws to curtail drunk driving and to protect child passengers, other motor vehicle occupants and pedestrians, that the police community and those who support them do not always have the manpower, or the political mandate, to make them all work effectively.

Higher speed limits with the accompanying need for stricter enforcement are complicating an already confused situation. Because the motoring public generally does not accept certain unsafe levels of speed as unsafe, police officials experience great difficulty enforcing speed limits.

There is a kind of vicious circle here. The public perceives that it's okay to speed, which translates into a kind of lax environment within which the police officer must enforce the law. There results a weak environment of public support for strict enforcement, and the enforcement job become extremely difficult without that support. Compliance with the law then erodes.

Even as the issues of highway safety become more competitive in the automobile industry, we are increasingly concerned that advertising of fast and powerful cars has joined this list of things about which to be competitive.

We used to be able to say that recently we have become concerned that many ads, particularly for cars produced by foreign manufacturers, promote excessive speed as desirable behavior. Unfortunately, some of this negative advertising is now embraced by domestic manufacturers as well.

Mercedes-Benz talks of its profound concern for safety, evidenced in its standard-equipment airbag, at the same time that it brags that its latest sports sedan is "intense enough for triple digit test-track speeds."

A Volvo—which is a company with a strong safety record—chomps at the bit inside an airplane hangar, and nearly knocks the door down as it is launched. One has to question whether Volkswagens doing arabesques around test engineers as though they were human bowling pins at much too high a speed for comfort is really the kind of message that the company should be delivering.

This kind of advertising, particularly as it affects young and other high-risk groups, should be examined.

Mr. Chairman, I'd like to conclude my comments by showing a few slides and a short composite videotape with some examples of ads that graphically illustrate our concern. Most of the television ads on this videotape were played during sporting events.

At the conclusion of this short presentation, I'll be happy to answer any questions.

The very first slide of the first four or five that I'm going to show you are old ads that appeared back in the late 1960's. The idea behind these is to show you that some of the ads that we're now seeing are going back to this pattern of advertising muscle cars.

This first one is "bargain day at the muscleworks." This was from 1969.

Next one talks about the "class bully". That's from 1968.

Again, in 1969, we have one that talks about the "boss car," comparing it to a race car.

In 1970, we have one that says "blow your mind with muscle parts from mild to wild."

Okay, that should give you a little history.

This one is from August of 1987. It's a BMW ad that talks about their sports coupe being the "best excuse for tripling the National speed limit."

And a Peugeot that tells you that you just have to calm down after you test drive it.

In March of 1988, we see a Saab which in some of the fine copy says, "Why did we give such a resplendently appointed passenger car such a brutish engine? Well, for one thing, at Saab we have always thought of speed as an active safety feature." They go on to explain that it helps you to speed up as you're entering the roadway.

The ad says, "But safety isn't the only reason why we at Saab feel a passenger car should have a spirited engine, though to some it's reason enough. We also believe a car should be fun to drive. Correction, a joy to drive."

The next one is a Toyota. "Give it the gun, and do run run."

The next one is a Merkur from July of 1987, suggesting that if you buy this car, you can "shatter the atmosphere."

A Beretta, which "bites when it's cornered."

And an Isuzu, which makes a little bit of fun, saying that "I just broke the land speed record going 956.39 miles per hour in stock Isuzu impulse turbo." Of course, as most of the Isuzu ads do, it starts off by saying he's lying.

The next one is an ad for a Conquest from September of 1987, talking about the "sheer exhilaration of the creature" that moves like greased lightning.

Next we have a Porsche which claims to go from 0 to 60 in nine seconds and back to 0 again, and encourages you to get out on the road and take a test drive in this. All you need is nine seconds to do that.

Next we have an ad for a Ford which goes 134 miles an hour. I ask, why?

And of course, a Corvette which says its top speed is estimated at 170 to 200 miles per hour.

Now, I'm going to show you a very short, two-minute VCR tape that will show you some of the TV ads.

[Videotape shown.]

That concludes my testimony, Mr. Chairman.

Mr. RAHALL. Thank you, Judie, for your testimony this morning. You've put together a very good ad, and I for one have not been quite as acutely aware of the message that is subtly displayed in all those ads.

Perhaps it gets across to our young people in the wrong way.

As you know, advertising and related jurisdictions fall under another committee, and it's not really the terrain of this subcommittee to regulate TV advertising and print advertising.

My question would be, has the National Safety Council coordinated any effort to work with the owners of the media, both broadcast and print, in trying to secure their cooperation and awareness of such message that may be in their advertising product?

Ms. STONE. Not as of yet.

We plan to do that, though. We're interested in trying to increase the public awareness of this. Actually, I think it's the first time that any of this kind of display has been shown at a Congressional hearing—at least that I know of.

We're not launching a major campaign, but we are interested in sitting down with the people in the automobile industry and the advertising industry and the media, to just make them more aware of it. Hopefully—I don't have any examples for you, but I do know that there are some companies who have pulled their ads back.

As I said in my testimony, there are, I think, more egregious examples of this in foreign car manufacturers' ads than in some of the domestic manufacturers'.

Mr. RAHALL. The National Safety Council has been working with the manufacturers themselves and the——

Ms. STONE. We've been——

Mr. RAHALL. Sitting down with them and discussing these messages?

Ms. STONE. Yes, we have.

Mr. RAHALL. Let me ask you about the National SAFE KIDS campaign. You stated that included in that campaign are several child passenger safety initiatives, including strengthening of State laws and increasing current usage of safety seats. Can you tell us what some of the major weaknesses in the current State laws are?

Ms. STONE. There are several exemptions in State laws that weaken the laws, Mr. Chairman.

One of those which comes to mind is what's known generically as a lap-crusher exemption. This allows, for various reasons, to have the child sitting on the mother's lap or on an adult's lap—nursing mothers, anybody who needs to attend to the "personal needs" of the child. Of course, the sad thing about that is that whenever there's a crash, it's often the child who acts as a cushion for the parent. There are some examples of children being killed with the parent surviving, which of course is a dreadful situation.

Some State laws would not require grandparents, for instance, any time the child is away from home, to be restrained. Some have very weak fines, and there are a number of initiatives underway in the States to try and strengthen those fines. I know that Kentucky is an example of one of the States that has just put a fairly good fine into their law, where they didn't have one before.

Mr. RAHALL. Are loaner seats readily available to low income families?

Ms. STONE. Well, I hope so.

I can't give you figures. I don't think they're available enough. I think we still need to do some work on that problem. One of the things that we'll doing in the SAFE KIDS campaign is to try and figure out a way to make sure that the loaner program system in this country remains intact, and that we continue to get seats out there to everybody who needs them, including low income folks.

Mr. **Rahall**. Are there available funds sufficient to provide an effective loaner seat program?

Ms. **Stone**. Well, there are funds available. We had, through the good offices of Mr. Anderson and others on this committee, some money in the State and Community Federal grant program earmarked for the purposes of child passenger safety for three years.

This was just an excellent program. I truly believe that the figures of correct usage are higher today because of those funds. But that earmarking did run out a couple of years ago, and what you're finding, I think—in a sense I'm putting on my old hat as representing the States, and I don't mean to do that—I do remember that there were many States that spent some of those funds to buy seats and contribute them to loaner programs.

I think the feeling now is that that is not necessarily always the best use of that money. The best way to get a loaner program institutionalized in the community is to have local matching funds with civic organizations and corporations who would be willing to contribute.

That is going on, but because we have all 50 States with laws, it's going to be an ongoing need. We need to pay a lot more attention to it.

Mr. **Rahall**. One final question.

Regarding the proposed ban on three-wheeled and four-wheeled all-terrain vehicles intended for use by children: can you tell us what obstacles might prevent such a ban, and can such a ban be enforced?

Ms. **Stone**. Well, there's a consent agreement that is between the Justice Department and the ATV manufacturers right now that we don't think is necessarily broad enough.

It currently says that there is a ban on the sale of three-wheeled ATV's. We would be in favor, along with the American Academy of Pediatrics and other organizations, of expanding that to include four-wheeled ATV's, and especially those that are sold specifically for children.

One of the problems with ATV's of the three-wheeled variety now is that there is a bunch of them sitting in warehouses waiting to be somehow sprung on some market, somewhere. Although there is a ban, there are Japanese manufacturers who would be very interested in making sure that those would get sold somehow.

Mr. **Rahall**. Thank you, Judie.

Gentleman from Pennsylvania? Mr. Shuster?

Mr. **Shuster**. Thank you very much, Mr. Chairman.

Judie, we certainly appreciate your being here today, and we appreciate your testimony.

First, Mr. Chairman, I would ask unanimous consent that statements by Congressman Lightfoot and Congressman Hammerschmidt be included in the record at the beginning of the testimony.

Mr. **Rahall**. Without objection, those statements will be included in the record.

Mr. **Shuster**. I have one comment and question, Judie.

Back at the time, last year and the year before, when it appeared that the 65 mile an hour speed limit was going to pass, it seemed to me that a reasonable trade-off would have been to tie it to a seat belt law. That is to say that a State that wanted to pass a 65 mile an hour speed limit could do so, if it had a significant seat-belt law in place.

I argued that, but not persuasively enough. The decision was made that we thought—the majority of the conference thought—we could beat 65 on a straight up or down.

Of course, that was lost, and now we have it.

I guess my questions are, first of all, do you think that is indeed a reasonable compromise? Or do you think it's water over the dam now, and an issue that's been put to bed, and we're simply not going to see any change in 65?

Ms. STONE. Well, I of course would like to see a change, but I don't frankly think that's going to be politically feasible.

As far as the trade-off is concerned, for the States that have belt laws, although it's probably better than nothing, I have to say that we couldn't support that. It's trading one safety issue off against another.

There are no magic bullets in the highway safety field in terms of solving the problems.

Mr. SHUSTER. I thought the statistics show that by going to 65 you would have—how many?—500 people a year killed on the highway? And by going to seatbelts, we would save 2,000.

Ms. STONE. Well——

Mr. SHUSTER. So, isn't it indeed, if it can be effected, a good trade off? Won't it save lives?

Ms. STONE. Well, we are saving as of now—the latest figures out—in 1987, 2,400 lives a year due to increased belt usage. Some 2,000 of those lives are in States that have belt laws.

That is true, that you can do that. But if we—I think we have to engage in a major public information campaign about the fact that when speeds go up beyond 65, and especially beyond even 55 on some roads, the effectiveness of safety belts is not as great at higher speeds as at lower speeds.

I just—it's a difficult position to take, that you're willing to let those lives go.

Mr. SHUSTER. Thank you.

Mr. RAHALL. The gentleman from Georgia.

Mr. ROWLAND. Thank you, Mr. Chairman.

Let me ask you, Judie—and thank you for being here today—when we increased the speed limit to 65 miles an hour, we didn't put any sanctions on states with motorists exceeding that speed limit. Those States who have not raised their speed limits still have the sanctions applied when the 55 miles per hour limit is exceeded, but those that raised their speed limits to 65 do not.

Do you think that this is having any significant effect in the States enforcing the speed limit laws where they're raised to 65 now? It seems that it's somewhat lax.

I know that I can drive down the interstate where the speed limit is 65, and most vehicles are running between 70 and 75 miles an hour. Although there have been commitments by States to enforce 65, that doesn't seem to be what's happening.

So, the fact that we don't have those sanctions in place—do you think that's having any significant effect on the laxness of enforcement?

Ms. Stone. Good question.

I certainly think that sanctions get the attention of the States. I think it's different in every State, depending on the kind of mileage that they have in 65 mile an hour rural interstates.

We would support putting sanctions back on the 65 mile an hour roads. Certainly we support a more equitable system than we now have. It does not seem to be fair to have the States that stayed at 55 have to conform to that.

Of course, there are States that have both 65 and 55 mile an hour roads, but don't have the majority of their roads as rural interstates.

We do support sanctions. We think that although it's not a happy situation, it's something that I think is effective.

I think the police have an easier time enforcing the law if there are sanctions.

Mr. Rowland. Let me ask you one other questions about seat belts.

The seat belt shoulder strap that comes down from the window—it's called a window shade?

Ms. Stone. Well, it's called a shoulder harness. And most of the domestic manufacturers use what is known as a window shade mechanism inside.

Mr. Rowland. Right.

The window shade mechanism.

Now, there have been some reports critical of the American design of this compared to the European design of it.

Has your organization studied the differences between the American design and the European design, and if so, do you have any comments about it?

Ms. Stone. Mr. Rowland, we don't have anything for the record that I could give you now. But we are concerned with some of the reports that we've seen of this.

We are again talking to both the manufacturers and others who understand—at the National Highway Traffic Safety Administration—understand how these systems work.

I know there's increasing attention being paid in the press to this issue, and I am sure that it will become more of an issue as time goes on.

Mr. Rowland. I wonder if it would cause people to be less likely to use seat belts, if they thought that the mechanism was faulty?

Ms. Stone. Well, I'm not sure that the mechanism is faulty. But I do know that it was built in there, put into the system at a time when people weren't wearing their belts. It was supposed to make it more comfortable, and therefore people would be more inclined to not complain about the belt cutting across their neck, or whatever the problem might have been.

Now, we have increasing numbers of people wearing belts because of the seat belt laws and public information campaigns. I think that it's time to take a look at that.

I hope that isn't the case. I know that whenever there is something in the press that talks negatively about safety belts, people sometimes do use it as an excuse not to wear them. But certainly this problem should not—and I would like to say for the record, whatever the problem may be, it should not be construed as a reason for people not to wear safety belts.

Mr. ROWLAND. Thank you very much.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from California? Mr. Packard.

Mr. PACKARD. Thank you, Mr. Chairman.

Ms. Stone, in foreign countries, where they have freeways like Germany and Great Britain—two of the autobahns and freeways that I've driven on—if you're not going 80 miles an hour, you're in the way. I wonder if statistics on passenger miles or other statistical data have been collected to compare where there is no speed limit in some of those countries, in terms of deaths and so forth, and compared to our systems, where we have either 55 or 65 speed limit.

Ms. STONE. Those statistics do exist, and I would be happy to submit them for the record.

I don't have them with me today. I will say that in Germany, on the Autobahn, one of the reasons why their safety record is—we have a better safety record than they do in many regards—but they have established a system on the Autobahn which has been around since 1932. It was built as a system based on the philosophy that people could go places in as fast way as possible.

That philosophy is different from what we have over here. They have remarkable safety efforts underway on the Autobahn, such as patrolling teams of people who make sure that if there's anybody who's broken down on the side of the road that they get that person off within minutes. They have very, very fine emergency medical services systems, and extraordinary lane discipline.

They have enormously effective mandatory safety belt laws, with much higher usage figures than we have here in this country.

[The following was received from Ms. Stone:]

NATIONAL SAFETY COUNCIL,
Washington, DC, June 6, 1988.

Hon. J. ROY ROWLAND
U.S. House of Representatives
Washington, DC.

DEAR CONGRESSMAN ROWLAND: On May 3, 1988, I testified before the House Public Works and Transportation Committee, Subcommittee on Surface Transportation, on several highway safety issues.

During the question and answer period following my testimony, you asked me for some information about speed limits in other countries, as compared to ours, and the relative safety experiences. I agreed to provide you with some information for the record of the hearing.

I have enclosed a copy of a relevant section from "55: A Decade of Experience", the Transportation Research Board Special Report 204, which discusses international experience with speed limits. Additional information is included from an Insurance Institute for Highway Safety fact sheet, with international data highlighted.

Thank you for the opportunity to provide this in the record, and please know I would be glad to assist you further on this or any other issue.

Sincerely,

JUDITH LEE STONE,
Director, Federal Affairs.

INTERNATIONAL EXPERIENCE WITH SPEED LIMITS

The U.S. experience with the 55 mph speed limit, both nationwide and in those states where it was analyzed in detail, is consistent with similar experiences in other nations. Evidence from many nations during the past 30 years suggests that when speed limits are reduced, safety improves [*37*]. Experiments with speed limits

in Sweden and Finland during the last two decades indicate that reduced speed limits led to a decline in average speed and speed variance, which resulted in reduced numbers of injury accidents (Table 6). By comparing the accident experience of comparable roadways where speed limits were unchanged. Swedish studies verified that the speed limit caused the safety improvement. Roadways with reduced speed limits consistently recorded larger safety gains than the comparison roads, which usually showed little change [*38, 39*].

With the advent of the Arab oil embargo a number of nations temporarily reduced speed limits to conserve fuel. New Zealand, Finland, Australia, Denmark, and the United Kingdom reduced posted speeds and examined in detail their experiences with accidents (Table 7). In all cases motorists responded to the urgings of their governments to drive slower, and the frequency of injury accidents and fatalities declined. Because some of these nations do not systematically record highway traffic volume, accident rates could not always be computed. However, indicators of travel in New Zealand did not suggest major reductions in travel, certainly not in proportion to the overall decline in fatalities [*43*]. The dramatic reductions in New Zealand and Australia cannot be explained by reduced travel alone; the sharply reduced fatalities indicate that the family rate declined as well.

As the energy crisis waned in 1974, motorists began driving faster in Great Britain and Australia [*45, 43*]. As a result, these nations subsequently lost the safety gains achieved through lower speed limits. In New Zealand, however, speeds remained below historic levels, as did the number of fatalities and injuries [*43*].

Changes in speed limits have also been examined in Ontario [*44*], France [*41*], South Africa [*41*], and West Germany [*42*]. In line with the experiences of the other nations given in Tables 6 and 7, these countries also experienced an improvement in safety when speed limits were reduced.

Although international experience with speed limits is not always recorded in sufficient detail to permit development of quantitative relationships between reductions in posted speed limits, changes in vehicle speeds, and reductions in fatalities and injuries, it nevertheless suggests a significant relationship between reduced speed limits and overall safety. If the relationship derived from reductions in speed limits and improved safety abroad is applied to the United States, it implies that between 2,900 and 5,000 lives would be saved in the United States as a result of the 55 mph speed limit [*48*]. Although this estimate is necessarily rough, it is consistent with the findings from state studies, which imply a saving of 2,300 to 5,500 lives if these findings are extrapolated to the national level, it is also consistent with the studies of national data, which generally estimate that as a result of the 55 mph speed limit fatalities were reduced by 3,200 to 7,500 lives in 1974. Although no single source of data or analytical interpretation can yield an unequivocal number of lives saved as a result of the 55 mph speed limit in 1974, most analyses indicate estimates in the range of 3,000 to 5,000 lives saved.

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TABLE 6 Experiments with Speed Limits Before Energy Crises of 1974 and 1979

Jurisdiction	Speed Limit (mph) pre	post	Highway Type	Years	Effect on Safety	Comment
Finland (*40*)	FS[a]	54[b]	All	1962	8 percent reduction in accidents	Temporary speed limit reductions in some areas of country; travel data not available
	FS	54	All	1966	16 percent reduction in accidents	
	FS	54	All	1968	13 percent reduction in accidents	
	see Comments—right margin			1970–76	Fatal accidents declined by 25 to 50 percent	Results of reductions in speed limits on various routes throughout country
France (*41*)	FS	60	Major routes	1969	40 percent reduction in accidents	
	FS	60	Major routes	1970	Rate of injury accidents declined 14 percent	
West Germany (*42*)	FS	60	Rural roads	1972	Fatalities declined by 9.8 percent, injury accidents by 9.6 percent	Autobahn injury accidents (unaffected by speed limit) declined by 8 percent in same period
Sweden (*38, 39*)	FS	54	Two lane	1966–69	Rate of accidents declined 16 percent	Effects on comparison roads very small in comparison
	FS	60	Major routes	1966–69	Rate of accidents declined 4 percent	
	66	54	Two lane	1969–70	Rate of accidents declined 30 percent	
	54	42	Two lane	1970–72	Rate of accidents declined 22 percent	
	78	66	Two lane	1978	Rate of accidents declined 31 percent	

[a] FS = Unposted speed limit.

[b] Kilometer per hour limits converted to miles per hour.

TABLE 7 International Experience with Reduced Speed Limits in Response to Fuel Shortages

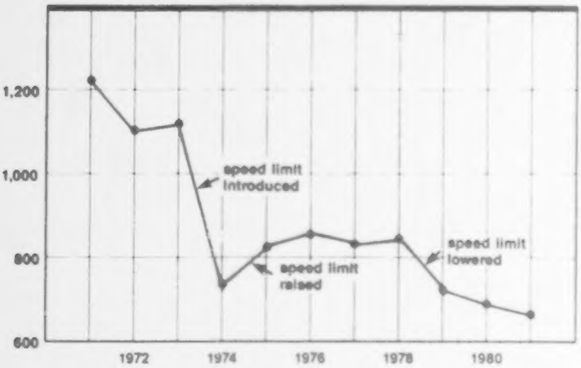
Jurisdiction	Speed Limit (mph)		Highway	Years	Effect on Safety	Comment
	pre	post	Type			
Finland (*40*)	72 to 66	48	Major routes	1973–1974	Fatalities declined 30 percent	
France (*41*)	FS	54	Major routes	1973	23 percent decline in accidents	Safety belt use law passed simultaneously that would not affect number of accidents
New Zealand (*43*)	55 to 60	50	Rural roads	1973–1974	Fatalities declined 37 percent Injuries declined 22 to 24 percent	Travel estimates did not show proportionate reductions
Ontario (*44*)	70	60	Freeways	1976–1976	Rate of Fatalities declined 22.8 percent	Safety belt law passed simultaneously. Fatality rate fell twice as much on high speed-roads
	60	55	Other		Fatal accident rate declined 28.7 percent	
South Africa (*41*)	72	48	Rural roads	1973–1974	Accident rate declined by 48 percent	
Sweden (*38*)	66	54	Two lane	1978–1979	Fatal accident rate declined 52 percent, injury rate 25 percent	Comparison roads had only 1.6 percent decline in fatality rate
United Kingdom (*45*)	70	54	Motorways	1973–1974	Injury accident rate declined 42.5 percent during the day and 27.5 percent at night	
	60	50	All purpose	1973–1974	Injury accident rate declined 16.5 percent during the day and 19.1 percent at night	
	70	50 to 60	All purpose	1974–1975	Injury accident rate declined by 11 percent	
Victoria, Australia (*46*)	70	60	Rural roads	1973–75	Fatal accidents declined by 24 percent, injury accidents declined by 14 percent	
Denmark (*47*)	FS[a]	48 to 66[b]	Motorways	1973–1974	Fatalities declined 20 percent	Effect of reduced travel factored out
	FS	48 to 54				

[a] FS = Free speeds, unposted speed limit.
[b] Kilometer per hour limits converted to miles per hour.

"IIHS Facts"

2,000 to 4,000 American lives continue to be saved each year.

Motor Vehicle Crash Fatalities in Denmark Before and After Speed Limit Law Changes, 1970-82



- The National Academy of Sciences estimates that the 55 mph speed limit was a major factor in avoiding 3,000 to 5,000 highway deaths in 1974. The Academy also estimates that 2,000 to 4,000 American lives continue to be saved each year because of 55.
- In countries other than the United States where speed limits have been reduced, highway deaths and injuries have decreased. In Denmark, fatalities decreased in 1974 after a speed limit was introduced. Fatalities increased when the speed limit was raised later that year. They decreased again when the speed limit subsequently was lowered. Fatalities decreased 14 percent following the 1979 reduction in the speed limit. Severe injuries decreased 17 percent.
- The most comprehensive analysis of international experience with lowered speed limits concludes that "in all cases, when reductions in the posted speed alter driver behavior, lives are saved and injuries averted. The reverse is generally true as well — increases in posted speeds increase the frequency and severity of accidents."
- The impetus for raising the 55 mph speed limit comes primarily from western states, where the fatality rates on most rural interstate highways are higher than the national average of 1.44 per 100 million vehicle miles. In Nevada, for example, the rural interstate fatality rate is 4.55.

Ten States With Highest Fatality Rates on Rural Interstates, 1984

Nevada	4.55
Utah	3.80
Alaska	3.49
Arizona	3.19
Montana	2.95
California	2.43
Idaho	2.41
Colorado	2.26
Texas	2.25
Wyoming	2.20
U.S.(avg.)	1.44

Effects of Lower Speed Limits

Finland
speed limit lowered from 66-72 to 48 mph in 1973;
30% fatality reduction

France
introduced speed limit of 54 mph in 1973;
23% acc. reduction

New Zealand
speed limit lowered from 55-60 to 50 mph in 1973;
57% fatality reduction

Ontario, Canada
speed limit lowered from 60-70 to 55-60 mph in 1976;
23% fatality rate reduction

Sweden
speed limit lowered from 66 to 54 mph in 1979;
52% fatal acc. rate reduction

England
speed limit lowered from 70 to 54 mph in 1973;
43% daytime injury acc. rate reduction

Victoria, Australia;
speed limit lowered from 70 to 60 mph in 1974;
42% fatal acc. reduction

Mr. **Packard**. What you're saying sounds to me like speed can be mitigated in some ways. I supported retaining the 55, but still, if Germany has been able to find other ways of allowing speeds and still, by other safety measures, curbing violent death—

Ms. **Stone**. Well, I'm afraid that one of the things that we might have to do in this country if we wanted it to be exact would be to dig up our entire interstate highway system and start all over again. This is not to say that our roads are not built in a safe way.

Mr. **Packard**. I was under the impression that our freeways were designed for speeds of 70.

Ms. **Stone**. Well, that's for design speed. That means that under ideal conditions, that speed should not be exceeded.

Mr. **Packard**. Right. I understand.

I've read a lot recently about airbags, and more and more information seems to indicate that they will be a very important safety factor in the future, particularly if they are used in conjunction with safety belts.

Do you have any statistical data or information as to what the airbags are designed to do for preserving and protecting life at various speeds?

Ms. **Stone**. The airbag is designed, for the most part, to be a front and front angular crash protection system. It never has been designed to be for rollovers and for rear collisions and side impacts.

It is now being advertised, and incorporated into domestically sold cars as a supplemental system to safety belts. We certainly support that. We think it's very important for people to continue to wear their safety belts.

What is effective about an airbag, and what's so wonderful about the fact that we now have both, is that in very high speed crashes, head injuries are mitigated as a result of the airbag. It really does diffuse the forces in a crash across a wider area.

That's one of its benefits. It has many, many others. But that is a major one, and of course it's automatic. People often don't even know it's there.

So, we're just elated, frankly, that we now have 32 States and D.C. with safety belt laws. It appears that most of the manufacturers, particularly domestic manufacturers, are going with airbag systems, under the requirements of the 1984 decision from DOT.

Mr. **Packard**. Thank you, Mr. Chairman.

Mr. **Rahall**. The gentleman from California?

Mr. **Mineta**. Thank you very much, Mr. Chairman.

First of all, Ms. Stone, I want to congratulate you on your new job there at the National Safety Council.

Let me ask about this whole issue of speed.

Now that the speed limit has been changed, I've got an older car, so I've got a speedometer that has as the maximum speed 85, I think. From a dead start, I think it takes me 2 days to get up to that. [Laughter.]

Mr. **Mineta**. But I'm wondering now, given these ads, are we finding that just the speedometer itself, on the car, has now been increased to higher than the 85 miles per hour speed, becoming sort of a subtle message that yes, you can go as fast as you want?

You could take the advertising plus what is in front of the person, and there's an incentive to want to speed the car up.

Ms. STONE. That's true.

I have to admit to you today, Mr. Mineta, that I do not know exactly what the requirements are right now for speedometers.

Mr. MINETA. Now, is that a standard that is established by NHTSA?

Ms. STONE. I believe it is.

And I know that many cars have the higher speed limits on the speedometer. I just don't know when that was allowed.

But I will submit that for the record.

There's no question—even at 85—that it's not that you wouldn't under some bizarre circumstances need to go that fast. But just the fact that the speedometer exists with those higher numbers on it—that has an effect. And certainly the higher the numbers go, the more effect there is.

We find that the subtlety of these messages is really something that's very hard to get a handle on, in terms of exactly how it does affect people.

I have a particular personal beef about the fact that the cars that we drive in today—I own a perfectly normal car. They really are very luxurious, in some cases, the new ones, and they're really designed to make us feel as though we're in a mobile living room. We're kind of protected in that environment, and don't have to worry too much about the environment outside the car.

The speedometer is part of that. I'll find out for you exactly what the standard is, and exactly what all the manufacturers are doing, and submit that for the record.

Mr. MINETA. Well, you're absolutely correct. Cars today cost more than the first house I bought.

Ms. STONE. Right, right.

[The following was received from Ms. Stone:]

**National
Safety
Council**

June 6, 1988

Honorable Norman Y. Mineta
U.S. House of Representatives
2350 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mineta:

On May 3, 1988, I testified before the House Public Works and Transportation Committee, Subcommittee on Surface Transportation, on several highway safety issues.

During the question and answer period following my testimony, you asked me for some information about speedometers and the National Highway Traffic Safety Administration (NHTSA) standards. NHTSA used to regulate the top speed allowed on a speedometer, in the late 1970s. Federal Motor Vehicle Safety Standard (FMVSS) 127 limited that top speed to 85 mph. In early 1982, FMVSS 127 was revoked, and manufacturers were no longer required to limit the top speed marked on the speedometer.

The trend, therefore, is for speedometers to carry higher top speeds; some even as high as 140 mph are proposed. As we discussed at the hearing, this seems to set a rather permissive tone for fast driving in the vehicle.

Thank you for the opportunity to provide this for the record, and please know I would be glad to assist you further on this or any other issue.

Sincerely,

Judith Lee Stone

Judith Lee Stone
Director, Federal Affairs

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Washington, D.C. 20036
202-293-2270

A Nongovernmental
Not-for-Profit
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National Safety Council

1987
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A Message from the Council Leadership

Mission Statement

"The mission of the National Safety Council is to educate and influence society to adopt safety and health policies, practices, and procedures that prevent and mitigate human and economic losses arising from accidental causes and adverse occupational and environmental health exposures."

Join us in a celebration of safety and health!

This year's National Safety Council Congress & Exposition represents a milestone – the beginning of the Council's 75th year of dedication to saving lives and preventing accidents. It all started in 1912 in Milwaukee when the delegates of the First Cooperative Safety Congress decided to create a permanent body that would promote safety and preserve human life in the nation's industries. The following year, the National Council for Industrial Safety was born and an office opened in Chicago with a total budget of $1,400.

Since then, the National Safety Council has been the leader in the nation's voluntary safety movement. Soon its scope went beyond industry and broadened to include home and community safety. Our history is rich, and we're proud of it. But as we prepare to celebrate our 75th year, we aren't just looking back . . . we're looking ahead.

As we look to the future we will always have our mission in mind. Our job is to prevent accidental deaths and injuries and promote the overall health and well being of every individual. We started out as an advocate for the little guy – the worker who often was considered only a cog in the industrial machine – and today we're still working for the little guy – every man, woman and child in the country.

The Council does not just preach; it acts. We have always worked to identify major safety and health issues facing the American people and then addressed them. We have a staff of knowledgeable professionals, expanding data resources, and thousands of dedicated volunteers that combine to help us work in the present as well as plan for the future.

Today, we're dealing with such problems as getting drunk drivers off the roads, helping businesses proceed with asbestos removal, and working with corporations and communities on "right-to-know." While we continue working to reduce these safety and health hazards, we will also continue to be conscious of emerging issues and trends, both on and off the job.

In industry and transportation alone, the Council reaches millions of people each year. Industrial programs involve more than 12,000 companies and their 20 million employees. Defensive driving courses train 1.5 million people every year, not to mention the thousands of local truck drivers and school bus operators who take other Council driver improvement courses. Tens of thousands of new drivers hit the roads each year, so driver improvement is a never-ending task.

The Council also plans to enhance its community programs as it moves into the future. Bicycle, home, agricultural, school and recreational safety and health are, and will continue to be, major areas of Council activity. To bolster these programs, we will seek funding through the newly-established Foundation for Safety and Health.

Each of our existing and projected programs will be examined with environmental considerations as the Council moves towards a 50/50 mode – 50 percent safety and 50 percent health. The new Environmental Health and Safety Institute will play a significant role in this aspect of Council activity.

Another important future endeavor is the strengthening of ties between the National Safety Council and its chapters and affiliates across the country. The local councils are vital to our mission. All of us, whether in Chicago or a local council, view that mission as the number one motivation. Everyone benefits when local councils succeed and prosper – our members, the communities, everyone.

For seven and a half decades, the Council has carried out its mission in the role of "honest broker." We diligently maintain our nongovernmental, not-for-profit status, and we are not beholden to any single group or corporation. In this way, we have served our members and the American public faithfully.

The Board of Directors, management, staff and volunteers view our history with pride and look to our future with anticipation. Our mission continues.

T.C. Gilchrest

T.C. Gilchrest
President

Morris W. Reid
Chairman of the Board

Safety and Health Group

Industrial

The activity of the Council's Industrial Division continues to significantly impact the nation's occupational environment. Through this mechanism, millions of workers benefit from the expertise and involvement of dedicated safety and health professionals. In all, nearly 2,000 individuals contribute their organizations' time and resources in this exemplary demonstration of volunteer participation.

The division continues to show an increase in membership each year, and represents 67 percent of total Council membership and 74 percent of the revenue dollars generated from membership dues. The Industrial Division Executive Committee is supported by group and standing committees and the 26 Industrial Section Executive Committees, all of which are comprised of volunteers from member companies.

The Council offers its members the most comprehensive approach to safety and health materials, programs, services, and training. On-going projects and objectives include traveling seminars presented by various sections and focusing on such concerns as BLS/OSHA recordkeeping workshops, mechanical power press safety principles of occupational safety and health, hi-tech electrical safety, trenching, shoring and tort liability, and the Texas Hazardous Communications Act. Marine dredging, supervisor's safety training, basic concepts of safety management, drug screening, and fire brigade training, are also subjects of division-sponsored programs.

The division is responsive to the needs of a changing workplace and economic impacts. The Council's Board of Directors approved modification of the Meat and Leather Industries Section so that the Food and Beverage Section now represents the meat industry and the Trades and Services Section represents the leather industry.

The staff and division volunteers develop and organize a large portion of the annual Congress program, including 35 blockbusters and more than 100 specialty sessions.

The Industrial staff provides technical assistance in product development, training, loss control, audio-visual aids and publications.

Acting on a division recommendation, the Council established a volunteer advisory committee to focus on international participation and interest. The committee is known as the International Advisory Committee on Safety and Health. The committee is concerned with all major Council activities and programs as they relate to the Council's relationship to the world community, and the sharing of knowledge regarding safety, health, and environmental matters among professionals.

Occupational, Environmental and Consumer Health

The development and production of training products for industry was a key activity of the Occupational, Environmental and Consumer Health staff this year. "Removing Asbestos Safely," a new Council program for construction and industry, offers two slide/tape shows and a booklet. The program helps contractors and employers inform their workers of the proper procedures and requirements in the new Asbestos Standard for Construction issued by the Occupational Safety and Health Administration (OSHA).

The Council enhanced its comprehensive Right-to-Know program, "The Facts About the Hazard Communication Standard," through the addition of Spanish versions of the employee guide book and slide program. Customized Right-to-Know training activities included consultation and on-site training packages for business and industry to help them meet requirements of the hazard communication law.

Another law addressed by Council materials is the Resource Conservation and Recovery Act of 1986 (RCRA), which regulates the disposal of hazardous wastes. The Council developed a two-module Compliance Software Package that helps businesses determine their status and prints required hazardous waste information onto a standard federal form. The program also helps companies simplify their RCRA recordkeeping.

Other software developed includes the "Ergonomic Lifting Calculator," designed to help employers reduce back and related injuries by setting safe lifting limits, "A Wellness and Health Promotion Package," and an "Accident/Illness Analysis System."

Illustration from the Council's new "Removing Asbestos Safely" training program that shows employers how to maintain a barrier at all times between workers and asbestos fibers being removed.

A major accomplishment this year was the technical editing of the third edition of *Fundamentals of Industrial Hygiene*. Thorough updating of technical developments and regulations will enhance the usefulness of this textbook to practicing occupational health and safety professionals as well as students of industrial hygiene.

A week-long series of professional development seminars was presented in May in conjunction with the American Industrial Hygiene Association.

Work continued this year on the formation of policies and procedures for implementation of the Council's Environmental Health and Safety Institute. Announced last year, this special-purpose organization is led by representatives from a cross-section of groups concerned about the environmental health and safety of the nation. Institute staff will be an integral part of the Council but will function as a singular team dedicated to fulfilling the Institute's particular goals.

Consistent with the Council's "honest broker" role, the Institute will be especially concerned with risk communication and will, to the extent fiscal support allows, serve communities and organizations. The Institute will operate primarily through philanthropic funding from concerned corporations, foundations, labor unions and individuals.

Labor

The Labor Division serves as a vital link between industry management and the nation's labor unions. Division representatives review products, training materials and policy statements. The division shares information with labor leaders and more than 550 volunteers from international and local labor unions. The combined efforts of these groups reach the nearly 20 million members of organized labor with information to help them improve the quality of their lives, both on and off the job.

By distributing Council safety and health materials at trade and industry shows, union conventions and conferences, and through division membership, the division is an invaluable resource for union members. The Union Industry Show in Atlantic City, N.J., and conventions such as the American Postal Workers Union, International Brotherhood of Electrical Workers, and the American Federation of State, County and Municipal Employees are just a few of the forums where the Council was represented this year.

The division has 15 committees that address specific areas of interest to labor. This includes three newly formed committees: Ergonomics, Troubled Employee, and Occupational Driver Safety. Each focuses on a specific issue outside general occupational interests.

Training is an important factor in safety and health. Sessions of current interest to labor are sponsored at both the National Safety Council Congress and Exposition and during the division's annual spring conference. These sessions help keep attendees up-to-date on pertinent safety and health issues.

Product Safety

For the fourth consecutive year, the Council coordinated and co-sponsored the national "Awards for Achievements in Product Safety" Program.

The Product Safety Management Training Course continues to be a vital component of the department. The course is designed to provide attendees with applicable, hands-on information to help them find solutions to the product safety problems that plague their organizations. The course is now presented in Chicago, Atlanta and San Francisco each year. In addition, corporate "in-house" presentations are made, some in conjunction with state and local councils.

Several Product Safety Reference Notes in a planned series, dealing with specific topics of importance, have been completed. Several new notes will be added to the series each year.

To enable the Council to better determine and service member needs, two new committees have been created. The Consumer Product Safety Advisory Committee complements the activities of the Industrial Division Product Safety Committee and acts as a focal point for the selection and development of important consumer product safety projects and programs. The Standards Advisory Committee acts as a sounding board and resource for the Council's decision-making efforts in the administration of all voluntary consensus standards activities.

Loss Control Consulting

Loss Control Consulting services are provided to both public and private sectors. Safety training consulting services are provided to municipalities, states, and the federal government. An example of such service is the OSHA Training Institute's use of Council resources in the development and delivery of Basic and Advanced Principles of Safety and Health courses. Loss Control Consulting staff coordinated and developed several technical and educational pieces for private sector clients. Using the in-house expertise of section administrators and the product development group, materials were developed for the Rite Hite Corporation, the Automotive Lift Institute and the American Meat Institute.

The Loss Control Consulting unit's focus in the coming year will be the evaluation and development of occupational safety and health programs. Using Council products and services such as the Computerized Loss Analysis System, the on-site capabilities of the Safety Training Institute, and industrial hygiene expertise, the Council expects to offer a comprehensive loss control product to both large and small firms.

Safety Training Institute

Safety professionals of all types – from beginners to the more experienced – receive extensive instruction through the Safety Training Institute (STI).

This year, 37 courses were conducted in Chicago for more than 800 students. Advanced Safety Certificates, which require successful completion of three specified courses in a five-year period, were earned by more than 100 attendees.

The Institute's On-Site Program is conducted at customer facilities to help employers reduce the costs of safety training for their employees. These courses continue to expand as STI staff made presentations to more than 4,000 students at 23 company locations this year.

Manager's Day at the National Safety Council Congress and Exposition drew more than 500 attendees and featured STI staff and presentations on the subject of safety management. Fourteen professional development seminars were conducted for some 850 participants during Congress.

As part of the Council's continuing cooperation with governmental institutions, STI staff presented four three-week Advanced Occupational Safety courses at various Air Force bases around the country and in Spain. The classes teach management oversight and risk tree concepts and apply them to the areas of accident investigation, audits and appraisals.

STI instructors presented three courses in conjunction with local councils on a profit-sharing basis. STI also presented a successful Principles of Occupational Safety and Health Course in Albuquerque, N.M.

In other STI programs: almost 14,000 trainees took the popular Forklift Operations Training Course; the Supervisors Development Program was used by member companies to train more than 3,000 supervisors; and about 300 students enrolled in Home Study Courses.

Driver Improvement Programs

Traffic safety is an important issue worldwide. In the United States alone, motor vehicle collisions are the leading causes of accidental death, claiming more than 47,800 lives last year. Driver Improvement Programs continue to expand to meet driver training needs as Driver Improvement staff members work with individuals and companies on every continent of the globe. The Council trained approximately two million students through state and local safety councils and other authorized DDC training agencies. DDC sales reached a record high this year totaling a quarter of the Council's annual revenues.

The department added DDC-Straight Truck to its array of courses this year. Designed for drivers of commercial vans or delivery trucks, this three-and-a-half hour course includes a film, three slide-tape presentations, an instructor's manual and the Driver Workbook. The program is packaged in a new combination carrying/shipping/storage case for greater user convenience. It requires no instructor certification or training agency agreement and is available for direct purchase.

In addition to creating new courses, Driver Improvement continues to fulfill the Council's commitment to the driving public by keeping present programs vital and up-to-date. Four new films were produced this year; two for the popular DDC-8 program. One of the films, "It's a Jungle Out There," equates driving with the dangers inherent in a jungle. This film has been universally well-received by both instructors and students. Two other films were specially created for needs of the transportation industry.

Throughout the year, the D.I.P. staff worked with various state departments of motor vehicles regarding point reduction programs and insurance discount programs for individuals who successfully complete DDC courses. Council staff has diligently monitored DDC instructors across the nation to ensure standardization of course delivery. All monitored agencies receive evaluations which assess strong and weak points.

Finally, it should be noted that "Pride is More Than a Word" is not only the title of the delivery truck program but it also is the theme of the Driver Improvement Programs Department. Programs are now available for passenger vehicles, tractor trailers, delivery vehicles, the mature driver, and the motorcyclist. After the Defensive Driving Course was created in 1963, it took six years to train the two millionth student. In 1986, two million students were taught in one year. That is growth to be proud of.

With an estimated 181,000,000 motor vehicles of all kinds registered in the United States, plus about 14,000,000 more in Canada, the Council's Defensive Driving Courses continue to serve an ever-growing need.

Highway Traffic Safety

Occupant Protection

The annual "Make It Click" safety belt use promotion was active during the Memorial Day weekend and continued throughout the "101 critical days of summer," concluding with Labor Day weekend. Program guides were prepared for use by Council members, chapters and other organizations. The Council continued to provide support to those states seeking to enact mandatory safety belt use laws. As of mid-1987, only 28 states and the District of Columbia had enacted such statutes.

The Council initiated an annual Occupant Protection Honors Program to recognize the governors of those states obtaining the highest safety belt use rates in the nation. In October 1986, Hawaii was awarded the top honor, "Outstanding Achievement for Excellence in Occupant Protection," with a safety belt use rate of 67.7 percent. Texas and Connecticut were recognized for "Distinguished Achievement for Excellence in Occupant Protection."

Pedestrian Safety

"Walk Alert," the National Pedestrian Safety Program, is a new cooperative effort of the National Safety Council, the Federal Highway Administration and the National Highway Traffic Safety Administration, and more than 100 community and service organizations. As part of this new effort, the Council is developing, organizing, and implementing pedestrian safety programs for public education, engineering countermeasures, and law enforcement emphasis. The program is designed for the grass-roots level to implement programs and disseminate materials through a wide-ranging network of community groups, local and state governmental agencies, and private companies. A program guide has been developed by the Council's Community and Highway Traffic Safety Departments to assist local groups in starting pedestrian safety campaigns.

During the preparations for "Walk Alert," the Council assisted many other groups in pedestrian safety, including Walt Disney Productions in remaking the film "I'm No Fool as a Pedestrian," starring Jimminy Cricket.

Cranford, N.J., kindergartners and Teacher Cheryl Bennett of Orange Avenue School are sworn in as "Official Safety Belt Inspectors" by Officer Bob Segear in a program sponsored by the New Jersey State Safety Council.

Terri Bowman models T-shirt and button at the Northeast Florida Safety Council's "Designated Driver Party" hosted by the Sheraton St. John's River Rally, a popular Jacksonville nightspot. Free food and soft drinks went to drivers who agreed not to drink alcoholic beverages.

Alcohol and Driving

"None for the Road" was the theme of the Council's activity in conjunction with the fifth annual observance of National Drunk and Drugged Driving Awareness Week in December. Messages focused on the risks and consequences of driving while impaired. The Council has been active over the past few years in promoting the 21 year old drinking age laws, and now all but two states, Ohio and Wyoming, have a minimum drinking/purchasing age of 21 for alcoholic beverages.

The Council's bid to host the 1989 International Conference on Alcohol, Drugs and Traffic Safety has been accepted, and the conference will take place in Chicago in October 1989. Held every three years, the last conference was convened in Amsterdam, Holland in 1986.

Traffic Records

Council staff has completed a two-year contract with the State of Illinois for upgrading police traffic records systems in local jurisdictions. The first phase of this project involved the survey, analysis and assessment of 42 city and county records systems. Recommendations were furnished to each agency and the state to guide improvements in these local systems. The second phase involved a pilot program to provide on-site assistance to police agencies in six communities to upgrade their traffic records systems. Staff professionals in police services and traffic engineering provided training to local personnel in the operation of comprehensive, state-of-the-art traffic records systems.

The 13th International Forum on Traffic Records Systems was held in Williamsburg, Va. The Forum's theme was: "Traffic Records: Key To Resource Allocation."

Long Range Planning

Motor vehicle crash statistics for 1986 indicated a five percent increase in fatalities over 1985. The population death rate increased by four percent. Economic costs rose from $48.6 billion to $55.2 billion. The Highway Traffic Safety Division, in addressing this spiraling trend, will focus on developing countermeasures through comprehensive long-range planning. The motor vehicle mileage death rate has decreased consistently since the 1920's because of a broad-based program that addresses the problem from many different directions. The division initiated such a planning process four years ago to address future traffic safety needs by identifying the implications to traffic safety from changing trends and forecasts, quantifying their effect, and developing action plans to meet these needs.

The Council has outlined specific long-range, intermediate, and immediate countermeasures to meet current and emerging trends in the Comprehensive Long-Range Plan. These action items are grouped into nine categories:

- Prevention
- Administration
- Roadway
- Records
- Driver
- Law Enforcement and Adjudication
- Education and Training
- Alcohol and other Drugs
- Emergency Medical Services

Within the immediate part of the Plan, 39 action plans detail 83 specific recommended actions. To date, actions by the Council and others are complete or under way on 53 of these recommendations. The emerging trends information is being updated and will be available in October 1987 to assist the division in implementing the Comprehensive Long-Range Plan.

Motor Transportation Safety

With the volume of motor vehicle traffic on the nation's roads greater than ever, fleet safety has become an important issue to the general public and a vital economic concern to fleet operators. Compounding the vehicle volume problem is the fact that the available infrastructure of roads, highway bridges and other related facilities has not grown appreciably. The resulting higher density of traffic leaves less room for driver error and has produced a greater need for improved fleet safety. The Council's Motor Transportation Division, comprised of common carriers and organizations with their own internal fleets of trucks, automobiles, vans and buses, works to support safety efforts of fleet operators.

The Council's Motor Fleet Safety Service gives fleet administrators the basic elements necessary for initiating effective programs to reduce motor vehicle accidents. The service, in effect, provides a national standard of driving performance against which to measure individual driving performance, training materials to help improve driving safety, a means of recordkeeping, and, through the Safe Driver Awards Program, an incentive system to avoid traffic accidents.

A key element to help enhance the credibility of an organization's fleet safety program is the National Safety Council's Accident Review Committee, which provides a formal, uniform and impartial process to assist clients and their employees in the review of traffic accidents for preventability. Another major contribution to fleet safety programs is the Council's *Motor Fleet Safety Manual*, the third edition of which was issued this year.

In addition to the manual, the department has developed a group of training modules and materials for fleet operators, the latest such program titled "Truckers Tame Winter Roads."

This year the Motor Transportation Department coordinated the printing and distribution of 100,000 posters for National School Bus Safety Week, a cooperative effort with the National Association for Pupil Transportation and the National School Transportation Association.

Specialized motor fleet consulting services to address fleet safety needs from safety compliance reviews through occupational areas also have been developed.

SAFE LINE
CALL
436-6000

✚ Project Aide Leslie Conrad answers the hazard reporting and safety information telephone service offered by the Safety Council of Southwest Louisiana through funding from the Louisiana Highway Safety Commission.

WRECKS HIT WHERE IT HURTS.
TAKE DEFENSIVE DRIVING
SAFETY COUNCIL
351-3236

✚ Texas Safety Association units at Dallas and Houston promote driver improvement through direct mail and public service ads such as this billboard, one of 10 donated in Dallas.

Community Safety

Youth Activities

The National Safety Council Youth Awards Program attracted more than 120 nominations, from which 49 individuals, youth clubs and Council chapters were recognized for outstanding achievement in community safety.

Attendance at the 1986 National Safety Council Congress Youth Sessions reached an all-time high with a 30 percent increase over the previous year. The Council's Youth Division is well on its way to reaching the goal of 1,000 youth delegates by 1990. Delegates participated in more than 45 comprehensive safety and health sessions emphasizing the development of youth leadership abilities and community networking.

Rector E. Miller, representing the American Institute of Cooperation, served as the Youth Activities Division Representative to the Council's Board of Directors.

CWI Productions in New York developed a 90-second and three-minute television segment on Halloween safety which features Council staff and the makeup artist from the Broadway musical "Cats." More than 100 television stations across the nation broadcast the messages during the week of Halloween.

The Distinguished Service to Safety Award, the Council's highest honor, was presented to Tim Lawrence of Tazewell, Va. He was recognized for his outstanding contribution to youth safety and the work of the Tazewell County Vocational Center's VICA Chapter. His efforts to develop safety awareness in youth included activities in recreational, traffic, home, and general occupational safety.

Five new brochures, and the Complete Bicycling Education Program for 4th through 6th grade students, were produced by the National Bicycle Education Consortium, of which the Council is a member. The Consortium, sponsored by Southland Corporation, is a comprehensive team effort to meet the nation's bicycling safety needs.

The Council acknowledges the generous support provided by the following organizations in the name of youth safety and health programs: 3M Company, Toro, Southland Corporation, Nationwide Insurance Company, Country Companies, Auxiliary to the American Optometric Association, Outdoor Empire Publishing, State Farm Bureau agencies, and all participating youth membership groups.

Because head injuries are the leading cause of death and disabling injuries in bicycle accidents, the Council works with many groups to promote the wearing of helmets by cyclists at all times.

Religious Activities

This was the ninth year for the National Safety Sabbath observance and the year of greatest participation, with more than 8,000 churches and organizations taking part. This year's safety emphasis areas were preventing teenage drinking and driving, safe use of medications for older adults and the use and maintenance of smoke detectors.

A self-inspection checklist for church safety hazards was distributed to thousands of churches in National Safety Sabbath kits. The form was provided by the American Baptist Extension Corporation.

A task force was organized to work with the Motor Transportation Division to establish guidelines for the training of drivers and upkeep of buses used by churches and non-profit organizations.

Testimony was presented and support given to the Chicago Mayor's Office of Consumer Services and a number of advocacy groups for disabled people. The subject was an ordinance requiring Chicago hotels to install smoke detectors with flashing lights for people who are hearing-impaired.

The legislation, passed unanimously by the City Council, became effective January 1, 1987.

Swimming pools and other water sites mean danger for unattended children. Council programs recommend fences and lockable gates to prevent unauthorized pool access and proper supervision of children whenever they are near water.

Public Safety

Water safety was an area of particular emphasis this year: More than 60 million Americans participate in recreational boating activities. National Safe Boating Week action manuals were distributed to state and local councils, corporations, non-profit organizations and individuals, while public service announcements and news releases stressed safe boating practices.

The U.S. Coast Guard sponsored a Council program that was developed to address the needs of recreational boaters. The selection, use and maintenance of personal flotation devices are featured in a film, booklet, and several public service announcements. The "spokesman" for the television public service announcements is crusty, shipwrecked Davy Jones of sailor folklore fame.

Other water safety efforts included the Council's participation in two programs developed by the National Spa and Pool Institute and the Consumer Product Safety Commission. "Operation: Water Watch" and "Children Aren't Waterproof" are designed to reduce the number of drownings among children under the age of five.

Each year, about 10,000 people in the United States sustain spinal cord injuries and another 422,000 suffer head injuries. About 50 percent of these tragic injuries result from motor vehicle accidents. With these saddening statistics in mind, the Council is working with the American Association of Neurological Surgeons to promote the National Head and Spinal Cord Injury Prevention Program.

Recreational risk management seminars were developed to address liability problems that face most recreation-oriented organizations.

Community Service Division

Members of the Women's Division voted to change their name and structure. The new Community Service Division now includes representatives from both men's and women's service and professional organizations.

The National "Safety on the Streets Week" 1986 theme was "Women on the Go," focusing on personal safety of women while driving, using public transportation and traveling.

For the fourth consecutive year, Eleanor Freeman, division member, provided a grant to bring a woman safety leader from outside the United States to participate in the National Safety Council Congress and Exposition. Judges selected Dr. Linda Margaret Dann, deputy head of the the Accident and Emergency Department of Sir Charles Gairdner Hospital, Nedlands, West Australia.

The division's Congress theme was "Safer World Tomorrow." Speakers presented such topics as safety seats for disabled children, safe use of medication for older adults, taking care of older parents, women and alcohol, and preventing sexual assault. The division joined other Community Safety divisions in sponsoring "Our Kids Are on the Block," a blockbuster with speakers who discussed teenage suicide, reckless behavior patterns, missing children and child abuse. The division co-sponsored other blockbuster sessions on fire safety, community right-to-know, AIDS, substance abuse and women in the workplace.

Forty Citation Awards were presented to state, local and national groups as well as to outstanding individuals for their community safety projects.

Agricultural

Agriculture remains among the nation's most hazardous major industry divisions with an accidental death rate of 52 per 100,000 workers in 1986, a slight increase from the previous year. Farm work is also implicated in many disabling and often fatal illnesses.

The Agricultural Division has adopted a new structure of task forces which will address specific farm safety and health problems. Projects given high priority include development of a new farm accident data retrieval system and stronger efforts to persuade agricultural producers to adopt safer and healthier practices.

The 43rd annual National Farm Safety Week was observed in September. "Be Protected from the Unexpected" was the theme of the campaign, sponsored by the Council and the U.S. Department of Agriculture. Educational material and program guides emphasizing the value of precautionary measures were distributed to state and local agricultural leaders as well as editors and broadcasters who serve farm communities.

Educational Resources

Infant and preschooler safety continues to be of strong interest in both private and public sectors. The Council's educational efforts to promote crib safety continue in the light of renewed interest from preschool directors, public health educators, nurses, pediatric clinics and hospital staffs. More than 400,000 crib safety brochures have been distributed.

Due to the environmental information on lead poisoning and home fire prevention listed on the crib safety brochure, many health and safety professionals also became aware of Council efforts to educate parents about the dangers of lead poisoning. The Sesame Street Stop Lead Poisoning materials, which are available through the Council, are still much-requested. Lead poisoning is still a major health issue for the nation's children; it is the second most common disease of urban children. The Council hopes that by distributing this information, parents will learn more about the dangers of lead poisoning and how they can keep their children safe.

A professional development workshop titled "Developing a Relevant Elementary Safety & Health Curriculum" focuses on safety and health education for school age children. The seminar is taught by Educational Resources Division members.

Plans are under way for a new lecture series that will begin with the 1988 National Safety Council Congress and Exposition. This series will be devoted entirely to new research in safety and health education and will include discussion of teaching and training as well as the administrative and management side of safety and health programs. Both public and private settings will be discussed in this series, which is sponsored by the Professional Associations Section of the division.

Home Safety

Home accidents continue to kill about 20,000 people and injure three million others each year. The economic cost of these accidents is also formidable – home accidents cost the nation about $14 billion dollars annually. In an effort to reduce the number and severity of these accidents, the Home Safety Division initiates programs and provides technical expertise to many organizations and agencies.

The division served as the primary source of technical information for a program titled "Birth to Birthday Safety," sponsored by Mead-Johnson and developed by the public relations firm of Burson-Marsteller. Educational materials for parents address falls, auto safety, suffocation, toys, infant furniture, burns, and other hazards likely to exist in an infant's environment. The campaign is designed for distribution through pediatricians.

Again this year, the division cooperated with the National Conference of States on Building Codes & Standards (NCSBCS) in observing National Building Safety Week during the week of April 5, 1987. Staff members supplied NCSBCS with a special product catalog featuring Council materials that relate to building safety. The catalogs were distributed nationwide.

Bunk bed safety for youngsters was the subject of educational material produced by Sears, Roebuck with the assistance of the Home Safety Division. About 20,000 to 30,000 children are injured each year in accidents involving bunk beds. The Council is distributing a portion of the materials which are targeted for pediatricians.

Home safety staff members reviewed for accuracy three book manuscripts on various do-it-yourself activities and one on safe home environments for infants and children. An increased interest was noted this year in articles on "baby-" or "kid-proofing" one's home. Many requests for such information were filled throughout the year, and the topic received considerable media coverage.

Technical Information

Statistics Department

A study of the consequences of raising the 55 m.p.h. national maximum speed limit was completed and published in the winter 1986 issue of the *Journal of Safety Research*. Two methods of estimating the effects were examined and a range of higher speed limits was considered. The statisticians concluded that if the speed limit on the nation's rural interstate highways were raised to 65 m.p.h., as it was in early 1987, then at least 450 additional lives would be lost each year in motor vehicle accidents on those roads.

The 1986 edition of *Accident Facts* was published and plans were made for an expanded 1987 edition in honor of the Council's 75th anniversary.

Staff members continued to provide technical support for other Council departments, divisions, and committees in addition to keeping the Statistics Department's estimating procedures and resources up to date. A revised procedure for estimating insurance administration costs was developed this year. The staff also contributed several articles to Council magazines and edited and updated two book chapters and an industrial data sheet.

As part of the Council's effort to provide a full range of consulting services, the Statistics Department staff developed a number of recordkeeping and analytical services. Ten services deal with problems in occupational accident, injury, and illness recordkeeping systems; insured and uninsured costs; injury data analysis; and off-the-job injury recordkeeping systems and costs.

Research

Council researchers provide technical consultation to public and private sector organizations on a contract basis and to internal departments and the Council's various committees on request. During the past year, staff performed contract services to assess employee disability management programs and practices in business and industry and to evaluate the adequacy of existing pedestrian safety education materials.

In support of departmental and committee programs, surveys were conducted to assess the status of motor vehicle safety programming and recordkeeping in corporations and private sector organizations throughout the nation; to determine school driver refresher training program needs; and to examine a variety of safety and health issues in terms of their impact on the Council now and in the future.

The Research staff provides editorial supervision on a continuing basis for the *Journal of Safety Research* and serves as liaison to the Council's Board Research and Industrial Divison Research Projects committees.

Contests and Awards

More than 4,000 awards were presented to member companies that achieved above-average occupational safety performances in 1986. The Occupational Safety/Health Award Program and Occupational Safety/Health Contests and National Fleet Safety Contest programs serve as incentives for members to improve or maintain their safety records and provide data on occupational injuries, illnesses and fleet accidents. The data is compiled in two Council publications: *Work Injury and Illness Rates* and *Fleet Accident Rates*.

The Contests and Awards Department continued to develop the "Distinguished Achievement in Occupational Safety and Health Award" to honor the three industrial member organizations that have achieved the best safety records for the year. The first such awards will be presented at the 75th National Safety Council Congress and Exposition in October 1987.

Library

The Library staff continually strives to make safety and health information readily accessible to the Council staff, members and the general public. The in-house database contains approximately 75,000 safety-related pieces of information in the form of books, reports and research documents. This current file combined with the Library's archival collection provides well-rounded insight into a broad range of safety and health issues. The ever-growing market of information sources can also be tapped through the Council's memberships in special library networks and consortia.

Marketing Group

Periodicals and Technical Publications

The editorial content and production of the Council's six magazines, 38 newsletters and a variety of technical manuals are the responsibility of the Publications Department. Staff members also conceive, design and produce hundreds of posters and edit the Council's library of Industrial Data Sheets.

Family Safety & Health, with a circulation of 2,300,000, is the Council's most widely distributed publication. It is the foundation of off-the-job safety and health programs for more than 40,000 companies. Articles offer advice on preventing home, traffic and recreational accidents and improving health and fitness.

A 12-member magazine advisory board helps the publication's editors identify safety and health trends important to families. The advisers, experts in a variety of safety and health fields, enhance the staff's efforts to reduce the number of off-the-job accidents and promote healthy lifestyles.

Safety and Health, formerly *National Safety and Health News*, provides practical, problem-solving information to help safety and health professionals. As the official voice of the National Safety Council, it features news updates about various Council activities, programs and products. *Safety and Health* also is a forum for readers and experts to discuss legislation, trends and other developments affecting the safety field.

With combined circulations of nearly 350,000, *Safe Worker/Safe Driver* continue to be among the Council's most popular publications, and *Today's Supervisor* boasts a circulation of nearly 150,000.

Publications Marketing

In an effort to make National Safety Council publications essential parts of readers' work and home lives, each magazine delivers balanced content in both safety and health.

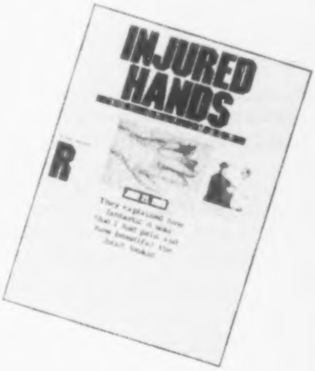
Comprehensive advertising, circulation, promotion and sales plans help retain the Council's leadership in the market of safety and health publications. Subscriptions and ad space are sold through trade shows, telemarketing, direct mail and field sales.

Product Development

Meeting fast-changing and new safety and health needs has made product development a year-round activity at the Council. Products benefit both members and the general public.

Among 36 new products introduced this year were the "Safety Talk" film series, the first Council-directed, Council-produced films. Also on-shelf in fiscal year 1987 were products on employee assistance programming, removing asbestos safely, hazardous waste handling, protection from radon gas, and welding safety. The "Supervisor Development Program" was supplemented with two new audiovisual segments and a Spanish-language edition of the "Right-to-Know" slide show was added.

Council products are developed with technical support from staff experts and volunteer review.



Sales Promotion

Much of the Council's sales and revenue are generated through the Sales Promotion Department. The main sales avenue continues to be direct mail – the department produces about 100 mailers every year and each mailing reaches an average of 80,000 people. Council products and services such as the National Safety Council Congress and Exposition, membership, the Safety Training Institute, Loss Control Consulting, audio visuals and training manuals are promoted through direct mail; periodically this sales effort is backed up by telemarketing campaigns. The department also places about 40 advertisements a year in Council publications and selected trade and professional journals.

A 72-page general merchandise catalog and a 64-page poster directory, produced annually, provide information on Council materials and services.

Governmental Services

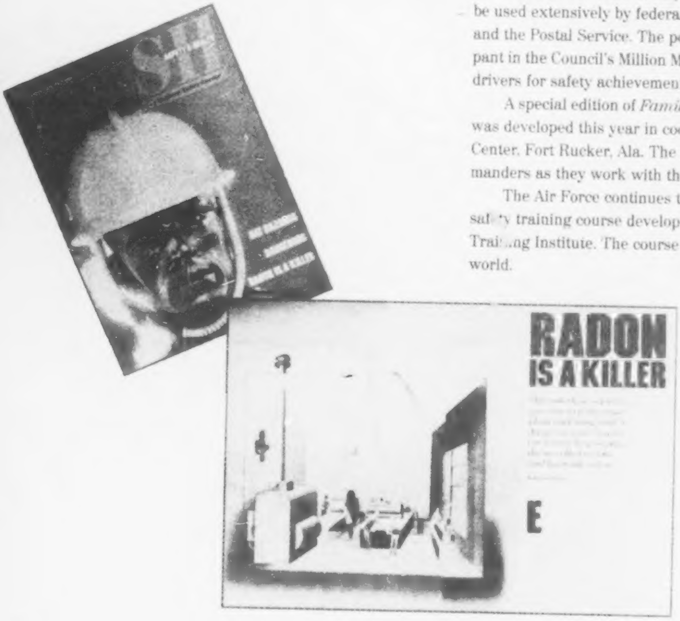
Because the federal government is the nation's largest employer, the Council's Governmental Services unit operates out of the Washington, D.C., office to guide federal safety and health officers on how best to use Council resources. The federal government is the single largest client for Council programs and many federal program managers participate as volunteers in Council activities.

Governmental Services also maintains liaison with the U.S. Department of Labor's Occupational Safety and Health Administration and that agency's Office of Federal Agency Programs, as well as the Federal Advisory Council on Safety and Health. Such cooperation has resulted in the annual Federal Safety and Health Conferences being scheduled concurrently with the National Safety Council Congress and Exposition, with participation on a world-wide basis by federal safety and health professionals.

The Council's Driver Improvement Programs continue to be used extensively by federal agencies, especially the Army and the Postal Service. The post office is the largest participant in the Council's Million Mile Club, a program that honors drivers for safety achievement.

A special edition of *Family Safety and Health* magazine was developed this year in cooperation with the Army Safety Center, Fort Rucker, Ala. The magazine helps Army commanders as they work with the families of Army personnel.

The Air Force continues to use a special three-week safety training course developed under contract by the Safety Training Institute. The course is used at air bases around the world.



74th National Safety Council Congress and Exposition

The 1986 National Safety Council Congress and Exposition was highlighted by a first: the headquarters and the exhibits were located at Chicago's McCormick Place North Convention Center. This major new addition of more than 575,000 square feet of exposition and meeting space is part of the largest and busiest convention center in the United States. The format change allowed virtually all of Congress to be held under "one roof." The expansive facility comfortably accommodated both the growing meeting attendance and exhibit areas.

The Opening Congress Session was held in the famed 4,000-seat Arie Crown Theater and featured the Glenn Miller Orchestra and Frank Sinatra, Jr., as well as a spectacular laser light show. Council Chairman Morris W. Reid and President T. C. Gilchrest gave the key addresses.

The continuing growth of this annual event can best be described by the numbers involved: 15,000 delegates and attendees, 150 division and section educational programs, 30 blockbuster sessions, 14 professional development seminars, 500 speakers and 500 exhibiting organizations.

In October 1987, Chicago's McCormick Place will again be the convention site when the Council celebrates its 75th anniversary Congress. The theme of the Congress, "A Proud Past. A Dedicated Future," reflects on safety accomplishments and looks ahead to constantly increasing challenges. The National Safety Council Congress and Exposition provides the ideal forum to meet future safety and health needs as it has since 1912.

GLENN MILLER ORCHESTRA
GLENN MILLER ORCHESTRA
GLENN MILLER ORCHESTRA
GLENN MILLER ORCHESTRA

The Glenn Miller Orchestra adds a touch of musical class to the 1986 Congress opening session.

Like the Council itself, the goal of the annual Congress is growth that will allow more individuals from all sections of the country an opportunity to participate in the vital crusade of safety and health. Future Congress sites and dates are:

1988 Orlando	October 16 - 20
1989 Chicago	Ocotber 29 - November 2
1990 Las Vegas	October 28 - November 1
1991 Chicago	October 6 - 10
1992 New Orleans	October 25 - 29

The 74th Annual National Safety Council Congress and Exposition, located at Chicago's new McCormick Place North, is the largest event ever held by the Council.

Membership

Sales and Membership Services

The Council has enjoyed three consecutive years of growth in the number of members it serves. Dedicated effort on the part of volunteers, local safety councils and Council staff have resulted in an increase from 11,425 members in 1985 to 12,400 in 1987.

The Council's customer service representatives, telemarketers and regional directors maintain direct contact with members and furnish products and services. This contact is the primary communication most members have with the Council.

What It Means to be a Member

More than 30 million people are employed by National Safety Council member organizations that include about 12,400 businesses, schools, public agencies and private groups.

People of all ages and from all walks of life – from manufacturers and union cardholders to teachers and students – benefit from Council programs, publications and services. Programs include the National Safety Council Congress and Exposition (the annual meeting of thousands of safety and health professionals), Safety Training Institute, Driver Improvement Programs, and scores of division and section activities designed for occupational, community and traffic safety.

Members may receive publications such as the family-oriented *Family Safety & Health* magazine, *Safety & Health* magazine and division newsletters. Special member prices for programs and materials make vital safety and health information even more accessible.

Council staff are ready to help members meet individual safety and health needs. More than 300 professional and support personnel assist members in developing safety programs, distributing educational materials, and gathering statistics. The Council also maintains the nation's largest safety library and operates a computerized information retrieval system.

Members perpetuate the safety and health ideal by displaying the official Green Cross for Safety emblem. To honor individuals and organizations who achieve outstanding safety records, the Council maintains an on-going awards program.

Together, the Council and its members concentrate on the goal of 24-hour-a-day safety to build a safer and healthier future.

Pompano Beach, Fla., fire fighter "assists" a resident of John Knox Village, a retirement community, as part of a mock emergency fire drill set up with help from the Broward Chapter.

Wheelchair race contestants line up during Fort Lauderdale, Fla.-based Broward Chapter's "Just For The Health Of It" community event, which also featured gymnastics, walks and runs, and safety belt programs.

Local Safety Councils

Throughout the United States and Canada, local safety councils provide their members with a range of services as diverse as the areas they represent and offer education and information to meet a variety of safety and health needs.

Local councils have been leaders in educating the public about the importance of using child car safety seats by initiating loaner programs. Parents may obtain child car safety seats through local councils in several ways. Often new parents will borrow a safety seat when they leave the hospital with their infant. Seats are sometimes loaned through day care centers or to people who host visitors from out of town.

People of all ages benefit from the efforts of local councils. Schools use the expertise of safety professionals to teach children to be safer pedestrians and bicycle drivers. Volunteers work with older adults to help prevent falls and other home accidents. They also provide local media with timely safety and health tips for the public.

Utah State Prison Safety Officer Dean Shepard, right, is one of 18 graduates who completed the first-ever Safety Training Institute courses offered in Salt Lake City. Utah Safety Council President Gary Muir, vice president - Group Operations, Hercules, Inc., presents Shepard his Advanced Safety Certificate.

A chilling "docu-drama," co-sponsored by the Safety Council of Western Massachusetts, lets police and emergency teams show students at Springfield's Cathedral High School the tragedy of drinking and driving.

Traffic safety is an area of particular interest to the network of local councils, with special emphasis on the Defensive Driving Course. Other driver training programs are also available through local councils: truck, taxi, school bus, refuse truck, forklift and motorcycle training are offered to the public and in private sessions.

Business and industry benefit from safety and health information and training provided by local councils. Seminars concerning Right-to-Know laws, supervisor development, and fundamentals of occupational safety are typical offerings.

Local councils also provide direct local service to National Safety Council members. About 40 percent of all Council posters, audiovisuals, and other materials and programs are distributed through the network of locals. Federal government agencies often participate in safety and health activities at the local level.

The Chapter and Affiliate Division is the local councils' voice in the National Safety Council. Educational opportunities are provided by the division for the local councils throughout the year in seminars such as the annual Institute for Safety Council Administration. This program orients new council executives to the fundamentals of association management and the National Safety Council itself. The Advanced Institute for Safety Council Administration offers the opportunity for professional development to staff executives and volunteer leaders. Volunteers are a vital part of the local council network and participate in special seminars to strengthen their leadership abilities and to meet volunteers from all parts of the country.

Not only do local councils serve the members in their areas, but they also work through the Chapter and Affiliate Division to help the National Safety Council staff develop practical safety and health strategies to benefit the general public.

Balance Sheets

Assets	June 30 1987	 1986
	(In thousands)	
Current Assets:		
Cash and cash equivalents	$ 181	$ 671
Certificates of deposit	3,335	2,682
U.S. government obligations, at amortized cost which approximates market	2,831	2,612
Accounts receivable (less allowance for doubtful accounts of $160,000)	3,395	3,445
Inventories	1,999	2,164
Prepaid expenses and other current assets	434	269
Total Current Assets	12,175	11,843
Properties – at cost:		
Office fixtures and equipment	2,528	2,366
Leasehold improvements	550	373
	3,078	2,739
Less accumulated depreciation and amortization	1,686	1,635
	1,392	1,104
Other Assets (Notes C and D)	1,775	925
	$15,342	$13,872

Liabilities and Net Assets Employed for the Benefit of Members		
Current Liabilities:		
Current portion of capital lease obligations and long-term debt	$ 101	$ 59
Accounts payable and accrued expenses	1,963	2,387
Deferred revenues – dues and services	2,462	2,145
Total Current Liabilities	4,526	4,591
Deferred Revenues – publications	4,223	4,110
Capital Lease Obligations (Note E)	67	108
Long-Term Debt (Note F)	283	
Deferred Rent Liability (Note E)	345	384
Net Assets Employed for the Benefit of Members	5,898	4,679
	$15,342	$13,872

See notes to financial statements.

Statements of Operations and Changes in Net Assets

	Year ended June 30 1987	 1986
	(In thousands)	
Revenues:		
Dues, publications and services	$23,202	$22,972
Contributions to Trustees' Fund	522	555
Other income, principally interest	436	474
	24,160	24,001
Expenses:		
Salaries and employee benefits	8,392	8,946
Cost of goods sold	6,476	7,024
Departmental operations other than salaries and travel	4,982	4,124
General office, principally rent, utilities and maintenance	1,696	1,781
Travel	659	661
Depreciation and amortization	736	930
	22,941	23,466
Excess of Revenues over Expenses	1,219	535
Net Assets Employed for the Benefit of Members:		
Balance, beginning of year	4,679	4,144
Balance, end of year	$ 5,898	$ 4,679

See notes to financial statements.

Statements of Changes in Financial Position

	Year ended June 30	
	1987	1986
	(In thousands)	
Source of Funds:		
Operations:		
Excess of revenues over expenses	$ 1,219	$ 535
Expenses not requiring outlay of cash in current period:		
Depreciation and amortization	736	930
Funds provided from operations	1,955	1,465
Proceeds from borrowing	343	
Increase in:		
Deferred revenues – dues, publications and services, net	430	239
Decrease in:		
Inventories	165	
Accounts receivable	50	
	2,943	1,704
Application of Funds:		
Additions to properties, net	632	256
Payments and current maturities of capital lease obligations	59	190
Increase in:		
Other assets	1,242	696
Prepaid expenses and other current assets	165	31
Accounts receivable		143
Inventories		69
Decrease in:		
Accounts payable and accrued expenses	424	298
Deferred rent liability	39	39
	2,561	1,722
Increase (Decrease) in Cash and Cash Equivalents, Certificates of Deposit and U.S. Government Obligations	382	(18)
Balance, beginning of year	5,965	5,983
Balance, end of year	$6,347	$5,965

See notes to financial statements.

Notes to Financial Statements

Years Ended June 30, 1987 and 1986

A. Organization:

The National Safety Council was formed by a committee appointed in 1912 at the first Cooperative Safety Congress to establish "a permanent body devoted to the promotion of safety to human life in the industries of the United States." Originally named the National Council for Industrial Safety, the organization was established in Illinois in 1913. The Congress of the United States granted the Council a Federal charter on August 13, 1953. The Council is exempt from federal income taxation under Sections 501(a) and 501(c)(3) of the Internal Revenue Code.

B. Summary of Significant Accounting Policies:

Inventories:

Inventories consist primarily of publications and audiovisual materials, in-process or held for sale or lease, and are stated at the lower of cost (first-in, first-out method) or market.

Properties:

Depreciation and amortization are computed by the straight-line method with no depreciation expense charged to operations in the year of acquisition and a full year in the year of disposition. Leasehold improvements are amortized over the remaining life of the leases, while other properties are depreciated over estimated useful lives ranging from three to twenty years.

Other Assets:

New product development and master film print costs are amortized on an accelerated basis over a three-year period.

Pension Plan:

Effective July 1, 1985, the Council adopted Statements of Financial Accounting Standards (SFAS) No. 87, Employers' Accounting for Pensions and No. 88, Employers' Accounting for Settlements and Curtailments of Defined Benefit Plans and for Termination Benefits (see Note D).

Revenue Recognition:

Membership dues and other related service contract fees are recorded as revenues over the period of membership. Advertising revenues and related costs are recognized in the month the publication is issued.

Contributions to Trustees' Fund:

Contributions to the Trustees' Fund are restricted to development and maintenance of off-the-job safety programs and activities.

Reclassifications:

Certain reclassifications have been made in the 1986 financial statements to conform to the classifications used in 1987.

C. Other Assets:

Other assets consist of the following:

	June 30	
	1987	1986
	(In thousands)	
Prepaid pension expense (Note D)	$ 948	$335
New product development and master film print costs	814	547
Other	13	43
	$1,775	$925

D. Retirement Benefits:

The Council has a noncontributory, defined benefit pension plan covering substantially all of its employees. The benefits are based on years of service, Social Security benefits and compensation for the highest five consecutive calendar years out of the last ten years of employment. The Council's funding policy is to contribute annually the minimum amount allowable by the Employee Retirement Income Security Act (ERISA).

Total rental expense, excluding utilities, charged to operations for office and warehouse facilities and equipment in 1987 and 1986 amounted to $1,397,000 and $1,459,000, after reduction for sublease income of $77,000 and $61,000.

Future minimum base lease payments under capital and noncancellable operating leases and present value of the capital leases at June 30, 1987 are:

	Capital leases	Operating leases
	(In thousands)	
Year ending June 30:		
1988	$ 54	$ 905
1989	52	871
1990	22	861
1991		869
1992		880
Thereafter		3,135
Total minimum rentals	128	$7,521
Less amount representing interest	20	
Present value of lease obligations	108	
Less current maturities	41	
Long-term obligations	$ 67	

The capital leases relate to office and warehouse equipment in 1987 and relate to office, warehouse and data processing equipment in 1986. Cost and accumulated amortization for this equipment are as follows:

	June 30 1987	1986
	(In thousands)	
Cost	$200	$753
Less accumulated amortization	35	459
	$165	$294

F. Long-term Debt:

Long-term debt represents borrowings to purchase computer equipment under a $600,000 unsecured revolving line of credit which expires on February 4, 1988. Upon installation of the equipment, anticipated to occur on or about December 31, 1987, the line will be converted to a five-year installment note, payable in monthly or quarterly installments of $10,000 or $30,000, respectively, with interest at the bank's prime rate not to exceed 9%. In addition, the Council is required to maintain time or demand deposits at the bank equal to the outstanding principal balance of this credit facility.

Based on the anticipated conversion date of December 31, 1987, future maturities on this note are as follows:

Year ending June 30:	
1988	$ 60,000
1989	120,000
1990	120,000
1991	43,000

G. Commitments:

The Council has established the Foundation for Safety and Health to provide endorsement and financial support of targeted safety and health programs. In support of these goals, the Council has pledged to contribute $1 million. The Council plans to contribute $250,000 prior to June 30, 1988 and $100,000 each year thereafter until the pledge is satisfied. The Council also has the option to call back amounts contributed.

The Board of Directors of the National Safety Council

We have examined the balance sheets of National Safety Council (a not-for-profit corporation) as of June 30, 1987 and 1986, and the related statements of operations and changes in net assets and changes in financial position for the years then ended. Our examinations were made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements referred to above present fairly the financial position of National Safety Council as of June 30, 1987 and 1986, and the results of its operations and the changes in its financial position for the years then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

Touche Ross & Co.
August 10, 1987
Chicago, Illinois

Contributors to the Trustees Fund

Trustees Fund

During fiscal year 1987, more than 350 corporations, organizations and individuals contributed $522,000 to the National Safety Council's Trustees Fund, illustrating the nation's strong commitment to safety and health. With the help of Trustees Fund contributions, the Council continues its efforts to fulfill many safety and health needs, both on and off-the-job.

In recognition of the National Safety Council's upcoming 75th anniversary, the Council's Board of Directors has established an important new philanthropic entity – The Foundation for Safety and Health. The Foundation is a not-for-profit, tax-exempt corporation, chartered by the Council in the State of Illinois. As of fiscal year 1988, this new organization replaces the Trustees Fund as the Council's working endowment.

The Foundation for Safety and Health will help the Council meet the challenges of the future by:

- Soliciting support for National Safety Council programs and for related programs of merit conducted by other established organizations.

- Awarding grants to develop and sustain safety and health programs after these programs have been professionally evaluated for their potential to advance the well-being of society.

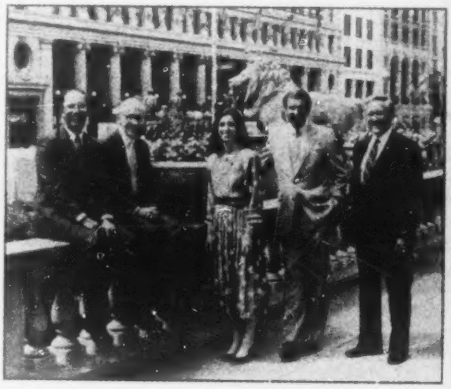
The increased support of previous Trustees Fund contributors will be instrumental in assuring the Foundation's success during its inaugural year. The National Safety Council extends its sincere appreciation to those who have so generously supported the Trustees Fund during its 45-year history, and looks forward to their continuing involvement through The Foundation for Safety and Health.

TRUSTEES HONOR ROLL (\$10,000 AND ABOVE)

AT&T Foundation
The Atchison, Topeka and Santa Fe Railway Company
Chevron Corporation
John Deere Foundation
E. I. du Pont de Nemours & Co.
Ford Motor Company Fund
IBM Corporation
Laborers' International Union of North America
Mobil Foundation, Inc.
Union Pacific Railroad Co.

CHAIRMAN'S CLUB (\$5,000 TO \$10,000)

Alcoa Foundation
Allstate Insurance Company
Browning-Ferris Industries
Burlington Northern Foundation
Caterpillar Tractor Co.
Dow Chemical Company
Exxon Company, U.S.A.
Federal Express Corporation
General Electric Company
Greyhound Lines Inc.
Harris Corp.
Kraft, Inc.
Liberty Mutual Insurance Group
Metropolitan Life Foundation
Mine Safety Appliances Co.
New York Life Foundation
Norfolk Southern Corp.
Phillips Petroleum Foundation, Inc.
PPG Industries, Inc.
The Procter & Gamble Fund
Shell Oil Company
Southern Pacific Transportation Co.
Texaco, Inc.
Toyota Motor Sales, U.S.A., Inc.
The Travelers Insurance Companies
United Brotherhood of Carpenters & Joiners of America
USX Corporation



The National Safety Council's senior management, photographed on the Art Institute of Chicago's west balustrade against a backdrop of buildings fronting Michigan Avenue. From left: I. Charles Maltese, vice president, Marketing; T. C. Gilchrest, president; Melinda J. Thomas, vice president, Finance and Administration; Thomas J. Decker, vice president, Corporate Relations and Secretary; and Irvin B. Etter, vice president, Safety and Health.

GRANTS OF $1,000 TO $5,000

Alabama Farm Bureau Mutual Casualty Insurance Company
Amax Foundation, Inc.
American Cyanamid Company
American General Companies–Nashville
American Optical Corporation
AMSTED Industries Incorporated
The Atlantic Companies
Bechtel Construction, Inc.
Becton Dickinson and Co.
Burlington Industries, Inc.
Callaway Foundation, Inc.
Caltex Petroleum Corporation
Carnation Company
Celanese Corporation
Chrysler Corporation Fund
Chubb Group of Insurance Companies
The Coca-Cola Foundation
Consolidated Freightways, Inc.
Consolidation Coal Co.
Consumers Power Company
CPC International Inc
Crum and Forster Foundation
CSX Corporation
Dillon Foundation
Duplex Products, Inc.
Eastman Kodak Company
Farmers Group, Inc., Safety Foundation
FMC Foundation
Fuqua Industries, Inc.
General Reinsurance Corp.
Great American Insurance Companies
Grumman Corp.
Halliburton Company
The Hartford Insurance Group
Hercules Incorporated
Hershey Foods Corp
The Harvey Hubbell Foundation
J.M. Huber Corporation
Inman Mills
International Association of Machinists and Aerospace Workers
International Brotherhood of Electrical Workers, AFL-CIO
International Paper Company
International Union of Operating Engineers, AFL-CIO
Johnson & Johnson
The Johnson's Wax Fund, Inc.
K mart Corporation
Kimberly-Clark Foundation, Inc.
Kline Chevrolet Sales Corporation
Koppers Company Foundation
Lincoln National Corporation
The Merck Company Foundation
Meredith Corporation
Benjamin Moore & Co.
Philip Morris Incorporated
Morrison-Knudsen Corporation
National Association of Letter Carriers of the United States of America
Nationwide Foundation
Nissan Motor Corporation
NL Industries Foundation, Inc.
Northwestern Public Service Company
Olin Corporation Charitable Trust
PACCAR Foundation
The Pfizer Foundation
Phelps Dodge Corporation
The Reader's Digest Association, Inc.
Reynolds Metals Co. Foundation
Rochester & Pittsburgh Coal Company
Rockwell International
Royal Insurance Companies
Schlumberger Foundation, Inc.
Sonoco Products Company
The Southland Corporation
Square D. Foundation
St. Joe Minerals Corporation
Stanadyne, Inc.
The Stroh Brewery Co.
Tenneco Inc.
Texasgulf Inc.
3M Company
Union Carbide Corporation
Union Pacific Resources Company
USG Foundation
Westfield Companies
Westinghouse Electric Corporation
Westvaco
A. Williams Trust
Wisconsin Power & Light Company

GRANTS OF $500 TO $1,000

Abbott Laboratories
Allied Stores Corporation
American Electric Power Company, Inc.
American Federation of Teachers
American Mutual Life Insurance Company
Andersen Corporation
Armstrong World Industries, Inc.
Ashland Oil, Inc.

Ball Corporation
BATUS Inc.
Beech Aircraft Corporation
Black Hills Power & Light Co.

Carolina Power & Light Company
The Chesapeake Corporation of Virginia
Clark Equipment Company
Commonwealth Life Insurance Co.
Communications Workers of America
Adolph Coors Company
Culbro Corporation

Decker, Mr. & Mrs. Thomas J.
Deluxe Check Printers
The Dexter Corporation
Dresser Foundation, Inc.

Elcor Corporation
Employers Reinsurance Corporation

Fluor Corporation
Foster Wheeler Corp.

General Accident Insurance
Golin/Harris
GrandMet USA, Inc.
GROWMARK, Inc.

The Hanover Insurance Companies
Philip S. Harper Foundation
H. J. Heinz Co. Foundation
Hazen B. Hinman, Sr., Foundation
International Association of Bridge, Structural & Ornamental Iron Workers
International Brotherhood of Teamsters Chauffeurs, Warehousemen & Helpers of America
International Longshoremen's Association

Kemmerer, John L., Jr.
Kentucky Utilities Company and Old Dominion Power Company

Lancaster Newspapers, Inc.
Lever Brothers Company
Lincoln Mutual Life Insurance Co.

The Massillon-Cleveland-Akron Sign Co.
Maytag Co. Foundation, Inc.
Moorman Manufacturing Company

National Distillers and Chemical Corporation
Niagara Mohawk Power Corporation

Overseas Shipholding Group, Inc.

Pentair, Inc.
Pet Incorporated
Piedmont Aviation, Inc.

Roadway Services, Inc.

Selected Risks Insurance Co.
St. Joe Minerals Corporation
The William H. and Kate F. Stockham Foundation, Incorporated
Stupp Bros. Bridge & Iron Co.

Teepak, Inc.
Tracor, Inc.
Tropicana Products, Inc.

United Association of Journeymen & Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada
United Food & Commercial Workers International Union, AFL-CIO, CLC
United Mine Workers of America
United R.E.M.C.
United Union of Roofers, Waterproofers & Allied Workers

Vulcan Materials Company

Walgreen Benefit Fund
Welch Foods Inc.
West Point-Pepperell Foundation, Inc.

Yellow Freight System Inc.

Zayre Corporation

GRANTS OF $100 TO $500

American Security Life Insurance Co.
Ampco-Pittsburgh Foundation, Inc.
Anderson, Clayton & Co.
Applied Power Inc.
Ariens Foundation, Ltd.
Ashley, Drew & Northern Railway Company
Atlas Life Insurance Company

C. R. Bard, Inc.
Batson-Cook Company
Batten, Barton, Durstine & Osborn, Inc.
Black & Veatch
Bonneville International Corporation
Bristol Steel and Iron Works, Inc.
Brown Group, Inc. Charitable Trust
Butler Manufacturing Company

Cameo Incorporated
Cameron Iron Works, Inc.
Celina Insurance Group
Central Hudson Gas & Electric Corp.
Central Vermont Railway, Inc.
Century Life of America
Certain-teed Corporation
Cnota, Mr. and Mrs. Mitchell M.
The Columbia Gas System Service Corporation
Columbus & Greenville Railway Company
Commercial Shearing Inc.
Compugraphic Corporation
Consolidated Gas Transmission Corporation
Consolidated Papers, Inc.
Cooper Motor Lines, Inc.
Corning Glass Works
CUNA Mutual Insurance Group

The Dickson Foundation, Inc.
Dover Garage II, Inc.
Durham Corporation

El Paso Natural Gas Co.
Electrical Conductors, Inc.
Emerson Electric Co.
The Ensign-Bickford Foundation, Inc.

Federal-Mogul Corporation
Florida East Coast Railway Co.
Fribourg Foundation, Inc.

Georgia Crate & Basket Company, Inc.
Gilbert Associates, Inc.
The Gillette Co.
P. H. Glatfelter Company
Green Bay Packaging, Inc.
A. P. Green Refractories Co.
Grinnell Mutual Reinsurance Co.
The Guardian Life Insurance Company of America

Hammermill Paper Co.
HBJ Insurance Companies
The Hillman Company
Holley Carburetor Division

The IFF Foundation, Inc.
Indian Trails, Inc.
Indiana Harbor Belt Railroad Company
Insilco Corporation
Intel Corporation
Intermountain Gas Company
International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
International Union of Operating Engineers, Local 547
Iowa-Illinois Gas and Electric Company

Kerr-McGee Corporation
Kimball International, Inc. (The Habig Foundation)
Kohler Co.

Lloyd Corporation, Ltd.
The Lubrizol Corporation
Lynden Incorporated

Mallinckrodt Inc.
Malone & Hyde, Inc.
Robert E. McKee, Inc.
McNichols Co.
Minnesota, Dakota and Western Railway Company
Mississippi Lime Company
Mississippi Power Company
Missouri Farm Bureau Federation
Modine Manufacturing Company
Molded Fiber Glass Companies
Mutual Trust Life Insurance Co.

The National Grange
National Grange Mutual Insurance Company
National-Standard Co.
New Orleans Public Service Inc.
North American Reassurance Co.
North American Van Lines, Inc.
Northern Illinois Gas

Oberg Industries, Inc.
Ohio Edison Co.
Ohio Farm Bureau Federation, Inc.
Ohio Valley Electric Corporation
Oklahoma Gas and Electric Company
The Oklahoma Publishing Company
Otter Tail Power Company
Overnite Transportation Co.

Patent Scaffolding Company
  A Division of Harsco Corporation
Pilot Chemical Corp.
Pinkerton's Inc.
Pitt-Des Moines, Inc.
The Platt Bros. & Co.
Ponderosa, Inc.
Portec, Inc.
Public Service Co. of New Mexico

Rahr Malting Co.
Ranger Insurance Companies
Raymark Corporation
Richmond, Fredericksburg & Potomac
  Railroad Company
Rias International Corporation
Riverside Manufacturing Co.
Robertshaw Controls Co.
Rochester Telephone Corp.
Rogers Corporation
Roman Meal Co.

Service Employees International Union
Sidney N. Shure Fund
Southern States Cooperative, Inc.
Stackpole Corporation
The Stolle Corporation
M.M. Sundt Construction Co.
Sunnen Products Company
Supermarkets General Corp.

Tennessee Farm Bureau Federation
Topflight Corporation
Transport Workers Union of America
Transus, Inc.
Trunkline Gas Co.
Turner Construction Co.

Uncle Ben's Inc.
United Brands Foundation
United Conveyor Corp.
United Rubber, Cork, Linoleum & Plastic
  Workers of America
The Upjohn Co.
Utica Mutual Insurance Company

Volkswagen of America, Inc.

Washington Natural Gas Co.
The Raymond John Wean Foundation
The John L. Weinberg Foundation
Wilkens-Anderson Co.
The Wiremold Foundation, Inc.
Woodmen Accident & Life Co.

Zero Corporation

GRANTS TO $100

C-E Refractories
Forney, R. L.
Lykes Bros. Steamship Co., Inc.
Miller Land Co., Inc.
Milsco Manufacturing Co.
North Carolina Mutual Life
  Insurance Co.
Parwy Foundation
Pennsylvania Power Company
Plantation Pipe Line Co.
Robert K. Raisler Foundation Inc.
Safety First Supply
Sant Angelo, Mr. and Mrs. Michael A.
Shenandoah Life Charitable
  Contributions Trust
Tupper, Asa
Twin Disc Incorporated

Memorial Gift Program

Contributions to the National Safety Council's Memorial Gift Program help the Council develop and further its safety and health efforts. In fiscal year 1987, many individuals participated in this program by honoring the memory of friends and relatives.

The Council is grateful to those who made generous remembrances through the Memorial Gift Program this fiscal year. Their names, and the names of those who have been thoughtfully honored, are listed below:

In memory of Christine Calusio from Joseph Calusio

In memory of John Durham from the National Safety Council's Labor Division

In memory of William Froelich from the National Safety Council's Executive Committee/Community Service Division

In memory of Marion Martin from Mr. and Mrs. Frank R. Barnako

In memory of Marion Martin from Texas Safety Association, Inc.

In memory of Robert Massman from Mr. and Mrs. Frank R. Barnako

In memory of Robert Massman from Mr. and Mrs. T. C. Gilchrest

In memory of Robert Massman from Mr. and Mrs. I. C. Maltese

In memory of Robert Massman from Melinda J. Thomas

In memory of Francis C. Nymeyer from Neil Boot

In memory of Francis C. Nymeyer from John McCarthy

In memory of Francis C. Nymeyer from Paulette Moulos

In memory of Francis C. Nymeyer from James Solomon

In memory of Gordon White from Mr. and Mrs. Harold Curti

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Packard Electric Division
General Motors Corporation
Warren, Ohio

Rene DuBois
Clearwater, Florida

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Director, Safety and Health Projects
United Brotherhood of Carpenters and
Joiners of America
Washington, D.C.

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Chairman, Agricultural Engineering
Department
Michigan State University
East Lansing, Michigan

Sid Emison
Vice President
California Casualty Management
Company
San Mateo, California

D. M. Fergusson
Safety Officer
Nationwide Insurance Company
Columbus, Ohio

James R. Fitzgerald
Vice President, Operations
Atchison, Topeka & Santa Fe Railway
Chicago, Illinois

T. C. Gilchrest
President
National Safety Council
Chicago, Illinois

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Nationwide Insurance Company
Columbus, Ohio

Lorraine M. Giles
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Gilder & Giles Elementary Schools
Omaha, Nebraska

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Alexandria, Virginia

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Southfield, Michigan

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Assistant Vice President
Metropolitan Property & Liability
Insurance Company
Warwick, Rhode Island

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Executive Officer and Director,
VICA U.S. Skill Olympics
National VICA
Leesburg, Virginia

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Chrysler Corporation
Detroit, Michigan

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Industrial Relations and
Director, Labor Relations
National Association of Manufacturers
Washington, D.C.

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State Government Relations
Governmental Relations Staff
Ford Motor Company
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Health Affairs Manager
AT&T Corporate Medical
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Illinois Synod
Lutheran Church in America
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Mosely & Associates
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Highway Users Federation for Safety
and Mobility
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Massachusetts
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The New York Times
New York, New York

James D. Sears
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Mr. MINETA. Of course, the cars are better equipped. They've got air conditioning, and stereo, and the house didn't. [Laughter.]

I'd like to ask whether or not either in your previous capacity with the National Governors' Association or now with the National Safety Council—what kind of thought might have been given to the kinds of sanctions we might consider in terms of the violation of the speed laws now?

How do we get the States in? We set it at 55, but we know that the average speed is probably in the 60 to 65 range. Now that we've gone to 65, now we're going to find them in that 75 to 80 range.

What do we do to leverage that down and keep it down? Otherwise, as you said, all the work of let's say, MADD and SADD and child restraint laws, airbags—all of those efforts go out the window. My background is insurance brokerage. I'm in fire and casualty.

We've seen the increase—or the decrease at the time that it was first put into place. It was put into place more as a fuel saving issue in the embargo of 1973. But the effect and the impact that we saw was a dramatic decrease in traffic deaths.

Now, we're going to start—I think we have already started to see some preliminary figures of its starting to already inch up. As you say, the NHTSA report will be out soon. I think we'll all be looking at that with a great deal of anticipation as to what our experience has been.

What about sanctions? What kinds of things should we be considering? The easiest one would be to withhold highway funds, but that's really sort of throwing the baby out with the bathwater in some instances. I'm wondering, are there any other approaches we might be considering?

Ms. STONE. Well, I believe that the approach that the committee was looking at last year, which was difficult, I know, to have to figure out what to do about States that differ—there was a formula change that would make it a more weighted system.

I know that you're looking at that now, or at least it's still on the table as one of the options. I guess if there's some way to work out that formula so that States that have speeds in excess of a certain high level, which at this point would be 70 miles an hour, let's say, and above—I'm not saying that 65 to 70 is not a problem, or 55 to 65 on some roads. But if there could be some way of monitoring those excessive speeds and essentially sanctioning States who are in the higher range much more and who have not been able to get a handle on the enforcement picture at that level, I think that's fair.

As to whether or not the withholding of highway funds is the way to go—we don't have a position on that, other than the fact that we think sanctioning seems to have worked in the past to some degree.

Mr. MINETA. And then you have the difference of, let's say a State like Connecticut—relatively compact, very little rural area—as compared to Wyoming.

I had lunch yesterday with some constituents who drove across country, and they said they felt they never were going to get out of the State of Texas. You keep driving and driving and driving, and you tend to speed up. Especially in the less densely populated States where you have miles after miles of open highway and your tendency is to want to let that speed creep up.

Those States, as I recall, were the ones who were really complaining about the 55 mile an hour limitation.

Ms. STONE. And the change has been made.

One of the problems in some of the western States— and I know it has been a problem in New Mexico and some others in the Southwest—is that speeds have gone up. Average speed have gone up enormously. It isn't staying at 70 miles per hour or at 65 miles per hour. The average is creeping up towards 80.

When you have that kind of situation, when you do have a crash, it's just so much more likely that there's going to be a fatality or severe injury. Of course the social costs of that are enormous.

I don't have an answer, frankly Mr. Mineta, on exactly how to make that formula equitable. But we certainly would be willing to work with the committee on trying to make that happen.

I do think that if you take away the sanctions, the fact of the matter is that I know they're not popular, and they don't appear to be fair. I know it appears to be robbing Peter to pay Paul.

But if you did that, I think the situation could get worse, and we just can't in good conscience take the position.

Mr. MINETA. Well, thank you, Ms. Stone, for your appearing before us, and helping educate us. I know that we on the committee look forward to continuing to work with you.

Ms. STONE. Thank you.

Mr. MINETA. We appreciate it.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from Illinois.

Mr. HASTERT. I have a few questions.

First of all, the National Safety Council that you represent is a Federally funded body, is that correct?

Ms. STONE. No, it's not, sir.

It's a private, non-profit. It's Congressionally chartered, but it's not funded by the Federal Government.

Mr. HASTERT. Where does your funding come from?

Ms. STONE. It comes from a whole variety of memberships that we have.

Mr. HASTERT. Such as?

Ms. STONE. A number of corporate members, a whole range of university and academic memberships, we have schools—I just started in this job in January, and on my orientation tour in Chicago, I asked the same questions, to be honest, and I was handed a couple of pieces of paper with the different types of memberships.

Mr. HASTERT. So you're not affiliated with the Highway Administration or the Department of Transportation.

Ms. STONE. No.

Mr. HASTERT. Fine.

I was afraid that this presentation you gave might have been Federally funded.

Ms. STONE. No.

Mr. HASTERT. You said that there are 32 States that have highway seat belt laws, or front seat belt laws. Why do some States have them, and some don't?

Ms. STONE. Well, it's essentially a political decision by the State to go forward. There's a lot of support from various communities for a law in some of those States, and there is also a lot of opposition. Primarily, in the States where either the law has been rejected in the State legislature, or never made it that far because the judgment was made that it wouldn't get through, or whatever—there's been one last argument, and that argument usually comes down to Government intervention.

Mr. HASTERT. Right.

I happen to be on that legislation, and we passed the seat belt—I voted for it. I've been duly apologetic ever since.

Do you think that there's a scope or a reason why some States do that? Is there a geographical dispersion in those 32 States?

Ms. STONE. I'd have to look at that.

I think that a number of the States are in the South.

Mr. HASTERT. They believe in States' rights, right?

Ms. STONE. Excuse me?

Mr. HASTERT. States in the South probably believe in States' rights.

Ms. STONE. Well, that may be so.

Mr. HASTERT. In your testimony, it was interesting where it talked about the gentleman's question about the Autobahns in Germany.

You said—you seemed to say that although you didn't have those statistics, probably there wasn't a great dispersion or a great difference in safety records on those German Autobahns and our highways at lower speeds. Is that correct?

Ms. STONE. I believe so.

Mr. HASTERT. So that maybe in some cases, even those Autobahns that had the proper oversight were even more safe than the highways that we have here.

I think I've seen statistics to show that.

Ms. STONE. Certain portions of them, yes.

Mr. HASTERT. Yet, in the National Safety Council, have you ever dealt with engineering firms or State agencies in talking about those specific types of oversight?

Ms. STONE. I personally have not.

There may be some in the Safety Council who have——

Mr. HASTERT. But you don't know if you have or not.

Ms. STONE. I'm sorry, I don't, sir.

Mr. HASTERT. And then in the advertising that you brought before us today, you talked about what you infer here as ideas that were put forth in this advertising that are unsafe for the American driving public to see.

Have you discussed those with those commercial entities?

Ms. STONE. In some cases, yes. Not with every one of them.

Mr. HASTERT. Fine.

Thank you.

Thank you, Mr. Chairman.

Mr. MINETA. Mr. Chairman, could I indulge the Chair for just a minute?

As I understand it, in testimony before the Appropriations Subcommittee on Transportation, Ms. Steed had indicated that the report would be—the NHTSA report— before Mr. Lehman's committee by the end of April.

That report has not arrived there yet. It's evidently hung up in the Secretary's office.

I would like to request that the subcommittee chair and Mr. Shuster, if you would co-sign the letter, ask the Secretary to shake it loose out of their office and get that report transmitted up to the Hill as quickly as possible.

Thank you very much.

Mr. **Rahall**. Speaking on behalf of Chairman Anderson, I'm sure that he will look into the issue and respond to the gentleman from California.

The gentleman from Pennsylvania, Mr. Shuster, has nodded his agreement.

The gentleman from Ohio?

Mr. **McEwen**. Thank you, Mr. Chairman.

Thank you, Ms. Stone.

Let me just ask some similar questions about the National Safety Council.

I presumed that your funding was public, is it not?

Ms. **Stone**. Public funding? No.

Mr. **McEwen**. The source of your funding. You don't keep that closely held, do you?

Ms. **Stone**. No.

There are a few projects underway—some workshops — in conjunction with the Government, but out—

Mr. **McEwen**. No, no.

My question is—when I say public, I mean as opposed to being——

Ms. **Stone**. You mean the details of it.

Mr. **McEwen**. As opposed to being secret.

It's no secret what your sources of funding are.

Ms. **Stone**. No, it is not.

Mr. **McEwen**. Do you think you could provide that to our committee?

Ms. **Stone**. I think I can.

Mr. **McEwen**. I'm sure.

Thank you. That would be helpful to me.

Do you do anything in the area of drunk driving? Is that any program that you have concerning that?

Ms. **Stone**. The Safety Council? Yes, definitely.

We have several.

Mr. **McEwen**. And how about—has the Safety Council taken a position on the CAFE requirements? The auto fuel efficiency?

Ms. **Stone**. No, we haven't.

Mr. **McEwen**. Haven't.

I just am interested in the focus—perhaps it was requested that your testimony focus on the engines and speed, and that sort of thing.

My natural observation would be that if you're advertising a motor vehicle, that you would advertise the motor and the vehicle, and therefore I don't see anything necessarily sinister about that.

But I do take a concern, I would say, about the direction of mandates into public policy by elected officials superceding the marketplace. I say that in the context of someone who does not live next door to his job, and does not represent a district that is made up of highrises, and who does not oversee highways that are constantly bumper to bumper traffic, and is not five-two.

As a result of some Federal policies that automobiles can no longer be comfortable or useful to the vast geography of our Nation, but must fit compactly into a parking space on the East coast—this has caused no small consternation to families.

I represent a place called King's Island, which is not unlike King's Dominion near Washington. The observation was made to me which I found difficult to believe, so I went out and checked it for myself.

They said, "If you will look at the parking lot at King's Island, you will observe that one-half to two-thirds of all the vehicles there are vans." And I said, now that's a lot.

And so I went out and looked, and sure enough, if an average family in America wishes to have a vehicle that does not have their children sitting on their neck, then they have to buy a truck, which gets less mileage and is more unstable, in my judgment, than the automobiles of the late 1970's.

We are now in precisely that condition. I have a wife who—the time has come to purchase a new automobile. She does not want a little car, and all of her friends tell her not to get one of those vans with the four cylinder engine. You'll get stuck everywhere and you'll get blown all over the road, and you can't get in the highway.

She has been lectured two to three times at every gathering and every Little League ball game, or whatever, about the danger of the small engines. Get the V6 or try to get the V8 if you can, they say.

She doesn't want to give up her full-size car. And yet I come to hearings like this in which I see the trauma of families that want to have a vehicle in which a person in Kansas or Wyoming, or wherever people in my district have to drive two hours to go to a nice restaurant. And then we sit here and say, you need a small car with no engine that as long as you're four feet eight to five feet two, you and one friend can get into it.

You'll get good mileage. But it will be very unsafe, very dangerous, and if you get hit by a bicycle, it's curtains. But you'll be able to have an extra $20 a month in your pocket because you won't use as much gas.

Now, that priority system, superceding the marketplace, has me concerned. I hear it more and more every day. I'm just not real sure that we're doing everyone a favor by putting them in this condition and making the culprit safety, strength and the capacity to have that margin of safety in a vehicle in a time of crisis.

I just share that with you. You may respond if you wish, but thank you for your testimony.

Ms. **Stone**. Thank you.

I will just say one thing, and that is that the proposals on the CAFE requirements are something that we are looking at. There's no question that bigger cars are safer. And we all know that the cars were made smaller as a result of the energy crisis of the mid-1970's.

Mr. McEwen. It's a result of the Congress.

The only way—as you know, General Motors downsized, and suddenly General Motors collapsed and everybody bought all the Fords. It's a little by little—as they downsize, the marketplace keeps eking out the closest thing to a safe vehicle that they can find, until finally we continue to edge those down to the point that now we just have little, tiny cars that get blown everywhere.

If you happen to hit a water pool on the interstate, you're scared to death. But brother, you're able to get that extra two miles per gallon, and as long as you don't worry about life or safety or security, if that's your priority system, then that's fine. But that's not the marketplace's priority system. That's the Congress' priority system. I have observed that that is not always in the best interests.

I trust the marketplace. I'll use the final example once again. I spoke at the contractor's convention in Jackson, Wyoming. After I completed that, people came up and said they'd heard me at the National convention and so they drove over for this convention. I said, where do you live?

And they answered, "Cheyenne."

I said, "How far is that?"

And they said it was 520 miles. I said, "You drove just to have the luncheon?"

They said, "Yes." And I thought, in my immediate mind, I live near Cincinnati, Ohio. From my driveway to the Cannon parking lot is 460 miles. It's farther from Cheyenne, Wyoming to Jackson, Wyoming, in the same State than it is from here to Cincinnati, Ohio.

For us to sit in this area and make these kinds of observations based upon the New Jersey Turnpike mindset is something that is not always in the best interests of our Nation. Who knows how to do that? The marketplace does.

In that context, I'm fearful that denying a mother with three children in her automobile a margin of power—that's somehow sinister or dangerous? To even as much as mention it in advertising that it exists is a thought process that I am fearful is not advantageous or beneficial, necessarily, to safety. That's my thesis.

Thank you.

Ms. Stone. Mr. McEwen, can I just say two things?

One, most of the ads that you did see were for sports coupes. I think a mother and three children wouldn't fit any more comfortably into those.

Mr. McEwen. You understand my thesis.

Ms. Stone. I do. I do.

Mr. McEwen. My thesis was that having an engine underneath the hood that when you stepped on the accelerator, it was there for your purpose, was the theme of the presentation here. That was inherently evil? My contention is that it is not inherently evil, and it is far better to have it than to not have it.

Anyone who's ever had a carload of people knows that it is. In my priority system, you see, in my system of the scheme of things, knowing that my wife is out on the interstate with three kids in a rainstorm on any given evening in Washington, I don't care if she's getting 17 miles to the gallon or 19. I care about whether or not that car is safe, the tires are good, and that engine is going to work and be there when she needs help.

The fact that she's in a little tin can because some coalition of Congressmen denied her access to the marketplace is what really bothers me. I think that I should be able to determine in my own mind whether that money means that much to me.

If money doesn't mean that much to me, then I ought to be able to get the extra three or four miles per gallon and have it safe, as opposed to a priority system determined for me, that I should be concerned about the dollars and cents and about the mileage and not about the safety.

Mr. RAHALL. The gentleman from Iowa, Mr. Lightfoot?

Mr. LIGHTFOOT. Thank you.

Mr. MCEWEN. That was not all precipitated by your appearance here today, Ms. Stone.

Ms. STONE. I understand that.

I want to say to you that I think it is a compliment to your speaking skills that they drove 532 miles. That's probably why they did it.

Mr. MCEWEN. I'm sorry I made that point. [Laughter.]

Mr. LIGHTFOOT. They don't know his reputation. They've just heard him speak.

I appreciate your coming this morning.

I hadn't thought about it until Bob was talking, but we drive a 1982 GMC van for exactly those reasons that Bob just laid out. I come from a rural area, and it's awfully frightening for me to pull up beside an 18-wheel truck in one of these little bitty cars, and you're sitting there with the center of the truck's tire somewhere up here above you as you're trucking along the road.

We also have in our area a move underway to make sure that every automobile has an airbag in it. It's going to become mandatory that a politician ride in every car in our State very shortly, so there automatically will be hot air bags installed without any extra cost to the owners.

[Laughter.]

Mr. LIGHTFOOT. However, that may not work out, either.

One question I'd like to ask you is one that I am often asked by my constituents. We share your goals of safety and that people survive going to the store or going to the next community, and that ought to be an enjoyable situation.

But in my State, which is basically rural, people still have the perception that the Government is the source of a lot more problems than they are solutions in terms of most anything you want to mention. The question that they ask me many times is where do people at the Federal level, as well as organizations such as yours which promote some of these various ideas—where do they get the idea and where do they get the authority to tell us out here in our States that we're too stupid to protect ourselves, and if we don't comply, you're going to take our Federal money away from us because of some idea you have that's going to increase our safety.

It's a very real issue with a lot of people, and it goes back, I think, to what Mr. Hastert was referring to a minute ago, the old

States' rights issue. We still think that the States have rights over and above what the Federal Government does, and it should stay that way. Otherwise, this whole country is going to end up crumbling. We're rapidly moving away from that.

So, that's a question that I'm often asked. I have my response, but I'd like to know what yours is.

Ms. STONE. Well, one response that I give from time to time is the fact that the interstate system is a National system. If I am driving in the State of Pennsylvania, or the State of New Jersey, or the State of Georgia, I should expect to be as safe on that system as I am in those States when I'm out west.

One of the problems on the speed limit issue is that there are a whole number of people in this country, including tourists who go from the east coast to the west coast and back again, who are really much more comfortable driving at lower levels. You do hear from people, and I do too, that they are very frustrated about driving across Texas or Wyoming at too slow a speed.

But there are just as many, if not more, people who have a comfort zone somewhere in the range of 55 to 60. I'm one of them. And I find it very difficult to be out there in that environment where the variance of speeds is now remarkably wider than it was before we changed the speed limit.

The States' rights issue is something that is probably always going to exist. It's not that I don't think States do have rights. I certainly do. But when it comes to systems that are designed to be safe for the public and that are funded with Federal funds, I think there's an argument to be made there that the Feds have a responsibility to make those roads safe.

Mr. LIGHTFOOT. Then I'll try and come back the way someone came back the other day in another discussion. He agreed with your argument that there are certain comfort levels where people are—some at much different speeds than others. It depends on a lot of things—their experience, their ability, the conditions, the road they're on, this, that and the other.

But still the basic question is even though we do have Federal dollars involved, where does this authority come from, the Big Brother saying this is what it has to be, and if you don't do it we're going to hold your feet to the fire and do this and do that. Plus, the 55 limit now also extends onto State and county roads as well, where there's little if any Federal participation whatsoever.

I happen to live in a State that has put a lot of emphasis on highways. We've got a lot of so-called farm to market roads that are much better than some of the so-called good roads out here on the east coast. They're wide, have nice wide shoulders, they're concrete, you've got good visibility, the no-passing zones are well marked, this type of thing.

Ms. STONE. Well, the authority comes from Congress. What can I say?

There have been several—I'm not a lawyer, but I know this—several cases where the authority of the Federal Government to sanction and to maintain those sanctions has been upheld. You can still disagree with it, but——

Mr. LIGHTFOOT. I think we've taken the role of being our brothers' keepers, but a lot of our brothers don't like it.

Ms. STONE. Yes.

Well, I'd like to also say that sometimes the theory about being able to go as fast as they want can be compared to people going through stoplights or going through red lights if they feel like it, just because they don't want to stop.

Another example might be people who are above the legal blood alcohol content level, whatever that might be. We have a very strong level of support in our society now, after the drunk driving movement, to sanction those individuals for not obeying the law. But we don't have it for people who are speeding. We just don't have the level of support.

Mr. LIGHTFOOT. Wouldn't an argument in that particular case be that most of those breaking the stoplight laws or the speed limit laws in residential areas, or some of these kinds of things, for the most part those are State laws, rather than Federal laws. They were put in place by the States or the respective municipalities for their particular area.

I think one of the problems that we have—and Bob was really, I think, at the core of the thing—we sit here on the east coast and put together—in all Federal programs, not just highway safety, but you name it, from rural hospitals to urban hospitals to any program you want to name—we tend to put together a standard that everybody in the Nation is supposed to fit into. But in reality, we're all different.

I've got a big district. If you drive the speed limit, it's about four and a half to five hours from one side to the other, if you go North to South. I know some Members here have districts that they can walk across in 15 or 20 minutes, in New York and so on. The problems they have there are certainly entirely different from ours.

You get into a State like Wyoming, as Bob mentioned, or Kansas, or Montana—I think that's one of the problems that we have. We try to fit everybody into a pigeonhole, and some of us just don't like being fit into those holes very well, as the case might be.

Thank you for coming this morning.

Ms. STONE. Thank you.

Mr. LIGHTFOOT. Thank you, Mr. Chairman.

Mr. RAHALL. Judie, I have questions on speed limits and seat belts.

Because of the restrictions on time today, I would ask the staff to pass these on to you and that you could submit your responses.

Ms. STONE. I'd be glad to do so.

Mr. HASTERT. Mr. Chairman?

Mr. RAHALL. Yes?

Mr. HASTERT. Just one added question.

You gave us the statistics a little while ago that said the average speed in New Mexico was 80 miles an hour.

Ms. STONE. No, I said near. Near 80. It's creeping up.

Mr. HASTERT. I'd like to see the documentation on that, please. I really doubt that myself.

Thank you.

[The following was received from Ms. Stone:]

National
Safety
Council

June 6, 1988

Honorable J. Dennis Hastert
U.S. House of Representatives
515 Cannon House Office Building
Washington, D.C.   20515

Dear Congressman Hastert:

On May 3, I testified before the House Public Works and Transportation Committee, Subcommittee on Surface Transportation, on several highway safety issues.

During the question and answer period following my testimony, you asked me to provide some information for the record about rising speeds in the state of New Mexico. Upon review of the transcript of the hearing, I said that the average speeds in New Mexico are creeping up towards 80 mph.

That statement is correct, but only if the word "average" is deleted. I have enclosed the latest survey data from the Insurance Institute for Highway Safety (IIHS) showing that 22% of the passenger car motorists are driving above 70 mph, which indicates an increasing percentage driving near, indeed over 80 mph. This compares to 5% of the same class of motorists exceeding 70 mph at the same time last year, before the state changed the speed limit to 65 mph on rural interstates. It was a misstatement to say that the average speed was nearing 80 mph-- I meant to say that speeds were increasing and more drivers are nearing 80 mph.

The same IIHS survey shows the mean speed on rural interstates in New Mexico as of the end of April 1988 to be 66.45 mph, nearly 3 percentage points higher than April 1987. This is a significant increase.

Thank you for the opportunity to clarify my comments and to provide you with this information. I am also enclosing a copy of the National Safety Council's Annual Report, as you expressed interest in the nature and membership of our organization.

Sincerely,

Judith Lee Stone

Judith Lee Stone
Director, Federal Affairs

enclosures

1050 17th Street, N.W. Suite 770
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SPEEDS ON NEW MEXICO INTERSTATES

RURAL INTERSTATES (speed limit 65 mph)		MEAN SPEED (mph)	% OF VEHICLES EXCEEDING:			
			55 mph	60 mph	65 mph	70 mph
Passenger cars	1987 Apr.	63.50	96	82	37	5
	Jun.	64.77	98	88	49	12
	Aug.	64.32	98	84	45	10
	Nov.	66.12	98	90	61	21
	Dec.	66.79	99	93	65	23
	1988 Feb.	65.96	98	91	59	20
	Apr.	66.45	98	91	62	22
Tractor trailers -	Apr.	62.87	96	74	34	7
	Jun.	63.86	98	79	42	11
	Aug.	63.70	98	78	41	11
	Nov.	64.47	98	80	47	14
	Dec.	64.04	97	78	43	13
	Feb.	63.88	96	78	42	12
	Apr.	64.17	98	81	44	11
URBAN INTERSTATES (speed limit 55 mph)						
Passenger cars -	Apr.	62.68	90	66	34	12
	Jun.	63.41	94	73	37	13
	Aug.	63.52	95	74	37	14
	Nov.	64.30	96	79	43	17
	Dec.	64.38	98	78	41	18
	Feb.	64.48	97	77	44	18
	Apr.	64.26	96	77	41	17
Tractor trailer -	Apr.	61.04	91	61	19	3
	Jun.	61.98	91	65	30	8
	Aug.	61.44	92	63	26	4
	Nov.	61.75	99	67	21	6
	Dec.	61.20	96	64	19	3
	Feb.	61.20	94	65	18	5
	Apr.	61.59	93	70	20	4

Mr. **Rahall**. Thank you, Judie.

Ms. **Stone**. Thank you.

[Ms. Stone's prepared statement and responses to supplemental questions follow:]

National
Safety
Council

STATEMENT
NATIONAL SAFETY COUNCIL
Judith Lee Stone, Director, Federal Affairs
Before the
Public Works and Transportation Committee
Surface Transportation Subcommittee
U.S. House of Representatives

Hearings on Highway Safety
Tuesday, May 3, 1988

Mr. Chairman and members of the committee, I am Judith Lee Stone, Director of Federal Affairs of the National Safety Council. The Council is a private, not-for-profit, public service organization chartered by the Congress to promote greater safety and health for the American people. We are celebrating our 75th anniversary this year.

The Council is involved in public policy aspects of a wide range of highway and other safety issues, including the effects of drunk driving and excessive speed, pedestrian safety, safety belt and child safety seat use, automatic crash protection, truck safety, and prevention of injury to children. The focus of our testimony today will be on the status of educating the public on excessive speed as a primary risk factor. I want also to touch briefly on a national campaign to prevent childhood injury that we support, along with Children's Hospital in Washington, D.C., Johnson & Johnson, and three dozen or so other national organizations.

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National SAFE KIDS Campaign

The National Safety Council has joined in a five-year grassroots effort with Johnson & Johnson and the Children's Hospital Medical Center (DC) to establish the National Coalition to Prevent Childhood Injury. The Campaign's mission is to reduce preventable injuries to children.

Preventable injuries are the leading risk facing children today. The five most common causes of preventable injury to children are motor vehicle crashes, burns, drowning, falling, choking and poisoning. In 1986, approximately 7800 children were killed, and an astounding 50,000 were permanently disabled by unintentional injuries. The key to injury prevention is through public education and legislative actions, and the Coalition seeks to do this through a specific public policy agenda and national awareness program.

May 16-22, 1988 is National Safe Kids Week, which will be kicked off by Surgeon General Dr. C. Everett Koop, our honorary national chairman. A Rose Garden signing ceremony for H.J.Res.481 establishing the week is scheduled on May 13; press conferences in 15 target cities will highlight local coalition issues; and the national campaign has distributed public service announcements and other media materials to explain the campaign.

Issues included on the first year's SAFE KIDS public policy agenda, developed by national coalition members and easily adapted to local needs, include:

o Establishment of state task forces to examine ways of reducing childhood injury;

o Several child passenger safety initiatives, including strengthening state laws and increasing correct usage of safety seats;

o Ban on the sale of all three-wheeled All-Terrain Vehicles (ATVs) and four-wheeled ATVs intended for use by children;

o Support of efforts of the American Academy of Pediatrics and others to achieve a national agreement with hot water heater manufacturers to pre-set water heaters at 120 degrees to reduce the risk of scalding burns;

o Support of continued funding for the Centers for Disease Control injury prevention program.

Other public policy initiatives will be undertaken by the campaign in the ensuing four years, including efforts to curtail child pedestrian deaths and injuries, increase the use of bike helmets by children (and parents) and require adequate fencing around public and private swimming pools and bodies of water.

This is an exciting program, Mr. Chairman, with enormous potential for changing the attitudes, and ultimately the behavior of millions of our nation's citizens about this most pervasive and costly problem. As you and this committee have been helpful and supportive of past highway safety projects, we look forward to making continued progress on SAFE KIDS with you and members of your staff. I would like to submit for the record materials explaining the SAFE KIDS campaign.

On The Fast Track

Last year the Council testified before this committee that we were interested in increasing public understanding of speed as a primary risk factor in motor vehicle crashes. We also questioned at that time whether a hypothetical proposal to cure airport delays by giving states discretion to speed up the planes, with a related cost of just a few mid-air collisions with losses of 500 lives a year, would be acceptable public policy. Today we might use as an example allowing aging Boeing 737s to fly just above 23,000 feet, the apparent point above which the risk of the roof being torn off grossly escalates, because it would help relieve airport congestion. Unfortunately, our concerns and our hypothetical cases are even more relevant today.

Forty states have chosen to raise speed limits on rural interstate highways to 65 miles per hour. Average speeds have risen in most states, and the debate rages on about exact numbers of resulting fatalities. The preceding year of data available to us since the change in the national maximum speed limit is probably not perfect -- data rarely is -- but we have a very strong and clear indication from it across the nation that average speeds have increased, and more people are dying and sustaining more severe injuries on these roads. We believe that data soon to be released from the National Highway Traffic Safety Administration (NHTSA) will show that the National Academy of Sciences report predicting an additional 500 lives would be lost per year if the speed limit were raised on rural interstates was very much on target.

In addition to the disturbing fatality and injury numbers, the very fact that we have allowed the national speed limit to rise on many roads has promoted further the erroneous idea that excessive speed plays little negative role in the traffic safety picture, and that speeds in the range of 65 and 70 are generally safe. That misleading message has been delivered -- both directly and indirectly, and perhaps unintentionally -- to the American public throughout the decade of the 80s. We see this message, alive and well, in the proliferation of radar detectors, devices designed to circumvent speed laws, clear and simple. We talk about "following too closely", "improper lane usage" and "unsafe passing and reckless operation" as problems on police traffic accident reports, instead of calling them what they are, excessive speed violations. And what more direct message is there that it's not only OK to speed, but desirable to do so, than television and print advertisements dangling the prospect before the American public that they, too, can drive their very own "muscle" car that can go from 0 to 90 miles per hour in a matter of seconds?

The environment in which the speeder travels today is a highly complex one, with deteriorating roadway appurtenances, a more diverse and dangerous vehicle mix than two decades ago, much less careful regard for general traffic law compliance, and more abberant driving behavior.

So, it appears the speed genie is out of the bottle, and it will be very hard to get it back in. This committee's deliberations about federal requirements for monitoring and compliance with speed limits in the states are crucial at this time, and the Council supports efforts to develop a more equitable formula for establishing compliance with both 55 and 65 mile per hour speed limits. But we feel more attention needs to be paid to the issue of the mixed message being sent to the public about the role excessive speed plays in a crash. If time proves us unable to fix this problem, we fear the increasing fatality and injury numbers -- with resulting tragic personal and social cost consequences -- will continue to rise at a rapid rate. We fear the hard-won gains of the anti-drunk driving movement and child restraint laws and belt laws and air bags -- will be lost to excessive speed.

Beefed-up enforcement can be a solution, but enforcement of the kind we need to see may not be possible. We have put on the books so many new and important traffic safety laws -- to curtail drunk driving, and to protect child passengers, other motor vehicle occupants and pedestrians -- that the police community, and those who support them, do not always have the manpower or political mandate to make them all work effectively. Higher speed limits, with accompanying need for stricter enforcement, are ~~is~~ complicating an already confused situation. Because the motoring public generally does not accept certain unsafe levels of speed as unsafe, police officials experience great difficulty enforcing speed limits. There is a "vi~~s~~cious circle" -- the public perceives that it is "OK" to speed, which translates into a kind of lax environment within which the police officer must enforce the law. There results a weak environment of public support for strict enforcement, the enforcement job becomes extremely difficult without that support, and compliance with the law erodes.

Even as the issues of highway safety become more competitive in the automobile industry, we are increasingly concerned the advertising of fast and powerful cars has joined this list of things about which to be competitive. We used to be able to say that recently we have become concerned that many ads--particularly for cars produced by foreign manufacturers--promote excessive speed as desirable behavior. Unfortunately, some of this negative advertising is now embraced by domestic manufacturers as well.

Mercedes Benz talks of its "profound concern for safety," evidenced in its standard-equipment air bag, at the same time it brags its latest sports sedan is "intense enough for triple-digit test-track speeds". A Volvo (a company with a strong safety record) chomps at the bit inside an airplane hangar and nearly knocks the door down as it is launched. One has to question whether Volkswagens doing arabesques around test engineers like so many human bowling pins, at much too high a speed for comfort, is the kind of message the company should be delivering. This kind of advertising, particularly as it affects young and other high-risk groups, should be examined.

Mr. Chairman, I'd like to conclude my comments by showing a few slides and a short composite video tape with some examples of TV ads graphically illustrating our concern. Most of the television ads on the video tape were played during sporting events.

At the conclusion of this very short presentation, I would be happy to answer any questions.

QUESTIONS FOR THE RECORD, Judith Lee Stone
Director, Federal Affairs, National Safety Council
Highway Safety Hearings, May 3, 1988
Subcommittee on Surface Transportation

1) Regarding the proposed ban on three-wheeled and four-wheeled All Terrain Vehicles (ATVs) intended for use by children, can you tell us what obstacles might prevent such a ban? Can such a ban be enforced?

Currently there exists a consent agreement between the U.S. Justice Department, the Consumer Product Safety Commission and the manufacturers of ATVs. The agreement contains a ban on the sale of three-wheeled ATVs only, and does not include any refund provisions for purchasers who were victimized by false advertisements. We would support broadening of the consent agreement to include a ban on four-wheeled ATVs and refunds for purchasers.

The only obstacle to broadening the agreement is the fact that negotiations would have to be opened up again, and the Consumer Product Safety Commission does not currently support doing so. The ban on three-wheeled ATVs is currently enforced; it would be possible to include additional ATVs in the enforcement program. A concerned and aroused public would influence further action on the ban; and litigation would also play a role in further reducing risk to children and families.

2) You state that a mixed message is being given to the public through the advertisement on television of "muscle" cars. Do you recommend a ban on such advertisements?

No, we are not currently recommending a ban on such advertising. Our purpose in highlighting some of the print and television advertisements is to call attention to messages contained in them that excessive speeding is desirable driving behavior. In many of the ads, both high performance and speed are coupled as necessary and attractive characteristics in a car. It is about the vehicle's ability to speed excessively that we have a particular concern. By grouping the examples of this kind of advertising -- which affects young people in particular -- we hope to appeal to the "good consciences" in the auto industry and their advertising firms. We think there are ways to engage in competitive advertising of the product without encouraging excessive speeding.

3) If strict enforcement of the speed limit may not be possible, as you state, due to the many demands placed upon law enforcement officials, do you have any recommendations as to how their efforts might be supplemented to make the public more receptive to obeying speed limits?

Research shows that enforcement campaigns, coupled with publicity about the campaign, are more effective in maintaining high levels of compliance with speed limits than simple enforcement. Also, combined enforcement efforts (enforcing for drunk driving, safety belts and speeding violations at the same time, for instance) result in increased numbers of citations and a wider perception that traffic safety laws are being strictly enforced. Grouping these key issues together in special enforcement programs also sends the correct message to the violators and other driving public, that excessive speed is a primary risk factor on our highways.

The enforcement community is lacking adequate resources and personnel for the job they have to do, and traffic safety is not usually considered at the top of the list of priorities. More funds need to be directed toward these special enforcement projects, which require additional resources to do.

3) Can you tell us, if you know, how the police community generally views enforcement of speed limits as compared to other safety laws?

The National Safety Council does not speak for the enforcement community, but it is widely known that most police enforcement officials see speed enforcement as a key component of any effective traffic safety program. Often they are the first on the scene of a car crash, and understand too well the physical consequences of excessive speed. They know that for every 10 mph above 50 mph, the chances of death or serious injury double. They also know that the safety benefits of belts diminish in a crash as speeds increase.

It is, no doubt, difficult for any police officer to control speed when the trend is toward higher speeds, and a more tolerant attitude on the part of the driving public for those higher speeds. Throughout the current debate over the effect of raising the speed limit on rural interstates, I have not heard any representative of the police community state that excessive speed -- at any level -- is not a problem.

4) Although you did not include a discussion on seat belt usage in your testimony, can you tell us how effective seat belt laws have been?

Seat belt laws have been very effective in raising usage nationally. All 50 states and the District of Columbia have child restraint laws, and 32 states and the District of Columbia require safety belt use for all ages.

The latest usage figures from the National Highway Traffic Safety Administration (NHTSA) 19-city survey show the following progress: (From "Buckle Up America Idea Sampler", May 1988)

Belt use among car drivers in the survey was

11 percent in 1982
14 percent in 1983
14 percent in 1984
21 percent in 1985
39 percent in 1986
42 percent in 1987

Among cities without belt laws in effect in the survey, belt use was

30 percent in the second half of 1987 (7 cities)

Among cities with belt laws in effect in the survey (12 cities), belt use was

50 percent in the second half of 1987 (12 cities)

NHTSA also estimates that safety belts saved 2,400 lives (among front seat passenger vehicle occupants), 2,000 of them in states with belt use laws. Among the same group of vehicle occupants, belts prevented an estimated 29,000 moderate to critical injuries in 1987, 24,000 in states with belt use laws.

5) Have public information campaigns been effective in increasing seat belt usage?

Public information campaigns are marginally effective, in the absence of mandatory laws. When combined with the law, educational programs can be effective. Indeed, without the public information efforts, it is not possible to gain maximum benefit from the law. We must have both the law and public information to reach high usage levels.

Over 50 national, state and local organizations have joined in an effort to increase national safety belt and correct child safety seat use to at least 70% by the year 1990. Another goal of the "70 by 90 Campaign" is to pass laws in every state. We know that without the laws, combined with intense public information and education campaigns, that goal will be nearly impossible to reach.

Mr. RAHALL. Our next witness is Mr. David H. Hugel, the Council of the American Association of Motor Vehicle Administrators.

Welcome to the subcommittee. We do have your prepared testimony. Without objection, it will be made a part of the record.

TESTIMONY OF DAVID H. HUGEL, COUNSEL, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

Mr. HUGEL. Thank you, Mr. Chairman.

I would like to briefly review some of that testimony with you this morning.

I'm privileged to be here this morning and speak in opposition to H.R. 3840.

I am legal counsel with the American Association of Motor Vehicle Administrators, which is a non-profit, tax- exempt educational organization made up of State and Provincial officials in the United States and Canada who are responsible for administering and enforcing motor vehicle laws.

Our member responsibilities include the licensing of drivers, the titling and registration of vehicles, and the enforcement of the highway safety laws generally.

In our fast-paced and mobile society, few rights are treasured as much as the ability to travel easily and comfortably and with a minimum degree of frustration and effort. For seven and a half million Americans, however, this ability is hampered by physical impairments including paralysis, neurological diseases, arthritis, severe pulmonary or coronary disease, amputation, and the natural process of aging.

Motor vehicle administrators in the 50 States and the District of Columbia have long been aware of the problems facing handicapped motorists. For many years the AAMVA has had a policy endorsing the use of special handicapped plates and placards for identifying motor vehicles driven by disabled individuals or used for transporting them.

I'd like to emphasize that every State currently extends this privilege to handicapped citizens.

AAMVA was also one of the early supporters of the movement for universal symbols of access. It adopted a policy calling for its use many years ago. In 1983, the Paralyzed Veterans of America worked closely with our driver licensing and control committee to modify our position to recommend that States use only the universal symbol, providing even greater recognition and uniformity. While the States are not bound by AAMVA's policy, I'd like to emphasize that today every State has adopted the use of the universal symbol for handicapped parking, and most States use the symbol on all permits, license plates and placards.

Our Association has also long been a supporter of the concept of reciprocity on many issues. It is not well known today, but more than half a century ago, AAMVA spearheaded the original agreements between States to recognize each other's driver's licenses. Today, this is something we take for granted. American citizens can travel from jurisdiction to jurisdiction, both within our country, Mexico and Canada, on their home state driving license.

AAMVA believes strongly in complete and total reciprocity of handicapped parking privileges, and is providing for the safety and freedom of mobility for disabled Americans. In 1986, we launched a National Handicapped Reciprocity Program to promote uniformity among the States and provide reciprocity for handicapped citizens who travel outside their home State. The project has been headed by Mr. Glen Turner, of the Florida Department of Highway Safety and Motor Vehicles.

Mr. Turner had planned to be here this morning to discuss the program with you. Unfortunately, pressing business at home dealing with motor carrier safety issues in Florida has prevented him from doing so.

Mr. Turner has done a remarkable job in shepherding this project from its pilot stages to near completion. I would like to take now a few moments to explain to you the essence of the program and what progress has been made in the brief period since it's been underway.

At our 1986 International Conference, which was held in Salt Lake City, Mr. Turner made a presentation about the success that Florida was having in establishing handicapped parking reciprocity with other States. At that time, Florida had a total of 43 formal agreements. They now have 49.

Based upon Florida's success with this pilot program, a National program was launched with Florida as the designated lead State. Mr. Turner was the Chair of an ad hoc committee which would oversee the program.

At the time Florida initiated the pilot project, 14 States could not reciprocate due to one of five reasons: statutory differences requiring amendment to the proposed agreement, legislation allowing reciprocity was being pursued, reciprocity was determined at the local government level and not Statewide, placards and taglets were not allowed, although licence plates were, or reciprocity was not allowed, and legislation was not being pursued.

I'd like to emphasize that this is where we began in 1986.

In order to gain reciprocal handicapped parking agreements among the States, the committee contacted each State and requested their assistance in pursuing National uniformity. The committee provided each State with the following:

Two drafts of proposed reciprocal agreements for their use. One of these would allow metered parking and parking in specially marked parking spaces, and the other allowed parking only in special marked spaces where the International Symbol of Access was being utilized.

A list of names and addresses of contact persons in each State who were responsible for processing reciprocity issues.

Reciprocity control charts indicating which States had reciprocity and with whom.

I have provided a copy of the most recent chart with my handout this morning.

At the time the National program was initiated, there were only 277 known handicapped parking agreements between States. As a result of the efforts of this AAMVA ad hoc committee on handicapped parking, and the excellent efforts of all States, there are currently 1,600 such agreements.

Mr. Turner, who continues to head the committee and the project, is confident that we will reach 100 percent reciprocity by early fall. This is possible because a number of States have removed the statutory or legislative blocks that prohibited them from entering into such agreements in the past.

Last fall, the U.S. Secretary of Transportation reported to the Congress on this issue. The study identified five inconsistencies among the States that have emerged as problems for handicapped motorists. The study also pointed out that the Uniform Vehicle Code maintained by the National Committee on Uniform Traffic Laws and Ordinances has successfully addressed these problems. The Uniform Vehicle Code, or UVC, as it's known, serves as a model and a guide for the States.

AAMVA is a member of the National committee that maintains that UVC.

I'd like to address each of the five problems raised by the Secretary and the AAMVA ad hoc committee's response to them.

The first issue was a lack of a uniform definition of who was entitled to special handicapped parking privileges. The committee finds that while States may have differing language in defining handicapped persons, all States require permanent or partial disability as provided for in Section 1-121.1 of the Uniform Vehicle Code.

Two, a lack of a uniform method for identifying motor vehicles as owned by or transporting a handicapped person. All States currently use the international symbol of access in identifying qualified handicapped persons for special parking privileges.

Almost all States currently utilize license plates or dashboard placards bearing the international symbol of access in compliance with Section 11-1005 of the UVC.

Issue three is the lack of uniform parking privilege extended to handicapped persons. All States provide specially marked parking places for handicapped persons by utilizing the international symbol of access. Some States allow free metered parking in addition to specially marked parking spaces. This meets the requirements of Section 11-1003a(k) of the UVC.

Four, there are varying degrees of enforcement of handicapped parking laws and a disparity in the penalties imposed on violators. There unquestionably does exist today a significant variation in the penalties imposed on violators of handicapped parking laws. However, now that the National attention has been focused on this problem, our committee will initiate action to address the issue with all States to strive for greater uniformity.

We are confident that we will be as successful in this effort as we have been in obtaining compliance with the reciprocity agreements.

Issue five is the lack of reciprocity between States in recognizing out of State handicapped parking permits, licence plates, etc. The AAMVA ad hoc committee on handicapped reciprocity is proud to report that great progress has been made by all States and Provinces in achieving handicapped reciprocity.

As previously noted, there are currently a total of 1,600 agreements between the States, and this number grows daily. I would add, Mr. Chairman, that this figure was as of April 28. As I said, this committee is ongoing. We'll keep the subcommittee posted as we add additional jurisdictions.

All States with the exception of Hawaii have statutory authority to reciprocate. Two of those States have recently enacted legislation allowing them to do so. They are New Hampshire and Ohio. We anticipate that great progress will be made, now that since they have the appropriate legislation.

Hawaii does not in fact reciprocate. However, they do allow handicapped persons to obtain a Hawaiian temporary parking permit while visiting the State. Obviously—I believe it need not be said—that is not one of the States that is contiguous, so most people aren't going to drive to Hawaii. They're going to get there by other means, and they can apply for the handicapped reciprocity tag once they're there.

In addition to the 1,600 agreements between the States, there are 91 agreements between States and Provinces. This would go beyond even the scope of any proposed Federal legislation allowing for reciprocity with those persons who would be visiting our neighbors to the North.

The 12 Canadian jurisdictions have 100 percent reciprocity among themselves.

The most important point I'd like to stress this morning is that all States now recognize other States' specially marked license plates, placards, and taglets. This has been accomplished in a remarkably short period of time with no Federal money and at very little cost to the States.

In view of the efforts and successes of AAMVA's ad hoc committee on handicapped parking, and the successes of all the States in obtaining the necessary legislation to reciprocate with all other States, AAMVA respectfully submits to this subcommittee that if there ever was a need for Federal legislation—i.e. H.R. 3840—that there is no longer such a need.

We recognize, however, that public education in particular education of law enforcement officials at the local and county levels must become a high priority.

At the request of the National Governors Association—and for the record, Mr. Chairman, I'd like to submit a copy of the correspondence we have on this issue from the National Governors Association— AAMVA has agreed to lead a cooperative effort with the Department of Transportation, the International Association of Chiefs of Police, the National Sheriff's Association, the National League of Cities, the National Association of Counties, and other appropriate organizations to inform and educate law enforcement officers at the State, county and municipal levels about the rights of disabled motorists under the National Handicapped Reciprocity program.

AAMVA will also work with the American Automobile Association and other automotive clubs, National organizations representing the disabled, and the general media to get the word out to handicapped motorists about the extent to which these reciprocity agreements are currently in place and the fact that motorists travelling between the States now should find a much easier time in receiving the privileges extended to them in their home States.

AAMVA wants to make it clear that these individuals and State motor vehicle administrators and law enforcement officials are committed to the safety and mobility of all our citizens, and we will continue to work towards this goal and do all we can to extend these handicapped privileges to every State.

Thank you, Mr. Chairman.

I'd be very pleased to answer any questions that you or any of the other committee members may have.

Mr. **Rahall**. Thank you for your testimony today.

Upon reviewing the State motor vehicle codes, the Department of Transportation found several inconsistencies among the States that have emerged as problems faced by handicapped persons in parking motor vehicles.

The inconsistencies indicated the lack of reciprocity between the States in recognizing out of State handicapped parking permits and license plates. Would the development of a uniform State law on handicapped parking remove these inconsistencies in the State motor vehicle codes and statutes dealing with handicapped parking?

Mr. **Hugel**. Mr. Chairman, we believe that the model is already here in the uniform vehicle code. I'll give you a little background.

The Code itself was promulgated—initially—back in the 1920's. It has been updated periodically since then. In 1984, provisions were added, and I was on that committee at that time, to spell out certain rights and benefits pertaining to handicapped parking.

This serves as a model. It is not mandatory for any State to adopt it, but it does serve as a model. We find that as time goes on, more and more States turn to it where there is an area where they believe their law is not as clear or as uniform as it should be. They'll turn to this and use it as a model.

The whole purpose of our reciprocity agreement is to get those states to agree to honor the parking privileges issued in another State. As I've said, we've made tremendous progress in that regard. The large number of States that have come on board in not quite two years by this fall we feel is astounding. We hope to have 100 percent compliance.

So, the brief answer is that we see no need for a National type law. We do see the need, and we certainly encourage every State, if their language is inconsistent with the Uniform Vehicle Code version, to adopt it. We encourage it.

But the main factor, as we see it, is that they do recognize the privilege where issued in a home State when the party is visiting another State. That's what we're encouraging. To a large degree, we've obtained compliance with this.

Mr. **Rahall**. How many States did you say?

Mr. **Hugel**. Well, there's a chart with the material, Mr. Chairman.

I couldn't tell you how many have actually adopted the UVC definition, no, sir. I don't have that at my fingertips.

I'd be glad to determine that and submit it to the committee.

But there's a chart included with the material that indicates the number of States and the number of agreements they've entered into. It ranges from—some States have 51, recognizing all States and the District of Columbia, to some who only have a few. Those are the States that we're currently working the most closely with, to see if we can extend those.

As I said, a few of these with the double asterisk have recently enacted legislation allowing them to enter into these agreements—New Hampshire and Ohio. We hope that they then will come into compliance in a larger number.

As you can see, many, many States recognize handicapped reciprocity in the vast majority of their neighboring States.

Mr. **Rahall**. In November of 1984, the National Committee on Uniform Traffic Laws and Ordinances adopted provisions to be added to the Uniform Vehicle Code which generally established handicapped parking regulations.

Could you explain to the committee why these regulations have not been fully adopted by all the States?

Mr. **Hugel**. Well, I think there are two reasons for that.

I was on the committee when that was done, and there's always lag time between the time these recommendations are adopted and when they come out in print.

At that time, the Uniform Vehicle Code was a hardbound volume, so a supplement was published to it. This came out some time in 1985. It's been my experience in dealing with laws that supplements don't always catch up with the original volume, since there may have been a turnover in personnel from the time it was originally issued. That is one explanation that I have.

The changes were made in 1984. The volume came out in 1985, but by the time they were distributed, they probably didn't make it everywhere they should have. Even then, you're talking about a two or two and a half year period between now and then. That would be my one explanation.

This most recent model code came out—it's entitled the 1987 edition. These were changes through 1986. This came out in late 1987. So this model code contains the same language, Mr. Chairman, and has only been on the market, so to speak, for less than six months.

So we feel that in short, the answer is that there hasn't been enough time for each State to have had an opportunity to take a look at it and consider whether their own State law needs to be amended or not. We certainly at the American Association of Motor Vehicle Administrators have encouraged adoption of that model language and will continue to do so wherever we have a conference dealing with that issue.

We would encourage the States to adopt the Model Uniform Vehicle Code version.

Mr. **Rahall**. Pending legislation before the committee, H.R. 3840, provides for the withholding of two percent of the States portion 402 highway safety funds for those States that do not permit total reciprocity for granting handicapped parking privileges.

Do the States need an incentive for making reciprocity a part of the uniform State law or the Uniform Motor Vehicle Code?

Mr. **Hugel**. No, sir.

It's our position that they do not.

It's our position that they are rapidly complying with the reciprocity aspect. As I said by the tremendous progress made in just two years, we feel that by the fall, we will have 100 percent reciprocity without the necessity of providing an incentive of that nature.

In fact, it may be counterproductive to withhold funding for States who may be attempting to comply but who haven't been able to do so for whatever reason.

Mr. **Rahall**. Thank you for your testimony.

Mr. **Hugel**. Thank you very much.

[The prepared testimony of Mr. Hugel follows:]

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

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and Traffic Laws in the United States and Canada

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STATEMENT BEFORE
THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON SURFACE TRANSPORTATION
MAY 3, 1988

BY DAVID H. HUGEL
LEGAL COUNSEL
AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

Mr. Chairman, thank you very much for the privilege of speaking to the Subcommittee today on an important matter.

I am David Hugel, Legal Counsel with the American Association of Motor Vehicle Administrators. AAMVA is a non-profit, tax-exempt educational organization made up of the state and provincial officials in the U.S. and Canadian who are responsible for the administration and enforcement of motor vehicle laws.

Our members' responsibilities include the licensing of drivers, the titling and registration of motor vehicles, and the enforcement of state highway safety laws.

In our fast-paced and mobile society, few rights are treasured as much as the ability to travel easily, comfortably, and with a minimum of frustration and effort. For seven-and-a-half million Americans, this ability is hampered by physical impairments, including paralysis, neurological disease, arthritis, severe pulmonary or cardiac disease, amputation, and the natural processes of aging.

The motor vehicle administrators in the fifty states and the District of Columbia have long been aware of the problems facing handicapped motorists. For many years, AAMVA has had a policy endorsing the use of special handicapped plates and placards for identifying motor vehicles driven by disabled individuals or used to transport them. Every state currently offers this service to handicapped citizens.

AAMVA was also one of the early backers of the movement to use the "Universal Symbol of Access," and adopted a policy calling for its use in designating handicapped plates and permits. In 1983, the Paralyzed Veterans of America worked with our Driver Licensing and Control Committee to modify AAMVA's position to recommend the states use only the universal symbol, providing even greater recognition and uniformity.

While the states are not bound by AAMVA's policies, every state has adopted the use of the universal symbol for handicapped parking, and most states use the symbol on all permits, license plates and placards.

AAMVA has been a long-time supporter of the concept of reciprocity on many issues. It is not well known now, but over half a century ago, AAMVA spearheaded the original agreements between states to recognize each other's driver licenses. Now, this reciprocity is taken for granted, and Americans are free to travel from state-to-state, and even to Mexico and Canada, with their home-state license as their permit.

AAMVA believes strongly in complete and total reciprocity of handicapped parking privileges, and in providing for the safety and freedom of mobility for disabled Americans. In 1986, AAMVA launched the National Handicapped Reciprocity Program to promote uniformity among the states in providing reciprocity to handicapped citizens who travel outside their home state. The project has been headed by Mr. Glenn Turner of the Florida Department of Highway Safety and Motor Vehicles.

Mr. Turner had planned to be here to discuss the program with you, but a pressing motor carrier issue back home in Florida has prevented him doing so. Mr. Turner has done a remarkable job in shepherding this project from the pilot stage to near-completion. Let me explain the program as it originated.

At the 1986 AAMVA Annual International Conference, held in Salt Lake City, Mr. Turner made a presentation concerning Florida's successful program in establishing handicapped parking reciprocity with other states. At that time, Florida had 43 formal agreements; they now have 49. Because of Florida's success at the pilot stage, the national program was launched with Florida as the designated lead state, and with Mr. Turner as chair of the Ad Hoc Committee which would oversee the program.

At the time Florida initiated the pilot project, fourteen states could not reciprocate due to one of five reasons:

1. Statutory differences requiring amendment to the proposed agreement;

2. Legislation allowing reciprocity was being pursued;

3. Reciprocity was determined at the local government level and not state wide;

4. Placards and taglets were not allowed, although license plates were allowed; or

5. Reciprocity was not allowed and legislation was not being pursued.

In order to gain reciprocal handicapped parking agreements among all states, the Committee contacted each state and requested their assistance in pursuing national uniformity. The Committee provided each state with the following:

1. Two drafts of proposed reciprocal agreements for their use: one which allowed free metered parking and specially marked parking spaces, the other allowed parking only in specially marked parking spaces where the International Symbol of Access was being used;

2. A list of names and addresses of contact persons in each state who were responsible for processing reciprocity issues; and

3. A reciprocity control chart indicating which states had reciprocity and with whom.

At the time the national program was initiated, there were only 277 known handicapped parking agreements between states. As a result of the efforts of the AAMVA Ad Hoc Committee on Handicapped Parking, and the excellent efforts of all states, there are currently 1600 such agreements. Mr. Turner, who continues to head the Committee and the project, is confident that we will reach 100 percent reciprocity by the early fall. This is possible because a number of states have removed the statutory or legislative blocks that prohibited them from entering such agreements in the past.

Last fall, the U.S. Secretary of Transportation reported to the Congress on this issue. The study identified five inconsistencies among the states that have emerged as problems for handicapped motorists. The study also pointed out that the "Uniform Vehicle Code," maintained by the National Committee on Uniform Traffic Laws and Ordinances, had successful addressed these problems. The Uniform Vehicle Code, or UVC, serves as a model and a guideline for the states. AAMVA is a member of the National Committee which maintains the UVC.

I'd like to address each of the five problem issues raised by the Secretary, and the AAMVA Ad Hoc Committee's response to each of them:

Issue 1 -- Lack of a uniform definition of who is entitled to special handicapped parking privileges.

Response -- The Committee finds that, while states may have differing language in defining handicapped persons, all states require permanent or partial disability as provided for in Section 1-121.1 of the Uniform Vehicle Code.

Issue 2 -- Lack of a uniform method for identifying motor vehicles as owned by or transporting a handicapped person.

Responses -- All states use the international symbol of access in identifying qualifying handicapped persons for special parking privileges. Almost all states currently utilize a license plate or dash-board placard bearing the "International Symbol of Access," in compliance with Section 11-1005 of the UVC.

Issue 3 -- Lack of uniform parking privileges extended to handicapped persons.

Response -- All states provide specially marked parking spaces for handicapped persons, by utilizing the "International Symbol of Access." Some states allow free metered parking, in addition to specially marked parking spaces. This meets Section 11-1003(a) 1.K of the Uniform Vehicle Code.

Issue 4 -- Varying degrees of enforcement of handicapped parking laws and severity of penalties imposed on violators.

Response -- There does exist today varying degrees of penalties imposed on violators of handicapped parking laws. However, now that national attention has been focused on this problem, the Committee will initiate action to address this issue with all states, and to strive for greater uniformity. We are confident that we will be as successful with this issue as we have been with the others.

Issue 5 -- Lack of reciprocity between the states in recognizing out-of-state handicapped parking permits, license plates, etc.

Response -- The AAMVA Ad Hoc Committee on Handicapped Reciprocity is proud to report that great progress has been made by all states and provinces in achieving handicapped reciprocity.

As previously noted, there are currently a total of 1600 agreements between the states, and this number grows daily. All states, with the exception of Hawaii, have statutory authority to reciprocate. Hawaii does in fact reciprocate, however, they require a handicapped person to obtain a Hawaiian "temporary" parking permit while visiting their state.

In addition to the 1600 agreements between states, there are 91 agreements between states and provinces. The 12 jurisdictions of Canada have complete, 100 percent reciprocity among themselves.

Nineteen states -- Arizona, Connecticut, Delaware, Georgia, Idaho, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Nevada, New York, South Carolina, South Dakota, Utah, Vermont, Virginia, and Wyoming -- have clear statutory authority to reciprocate without signing a formal agreement.

The most important point I want to stress is this: all states now recognize other states specially marked license plates, placards or taglets. This has been accomplished in a remarkably short period of time, with no federal monies and at very little cost to the states.

In view of the effort and success of the AAMVA Ad Hoc Committee on Handicapped Parking, and the success of all states in obtaining the necessary legislation to reciprocate with all other states, AAMVA respectfully submits to this Subcommittee that the need for federal legislation on this matter no longer exists.

We recognize, however, that public education and, in particular, education of law enforcement officials at the local and county levels, must now become a high priority.

At the request of the National Governors' Association, AAMVA has agreed to lead a cooperative effort with the Department of Transportation, the International Association of Chiefs of Police, the National Sheriffs' Association, the National League of Cities, the National Association of Counties, and other appropriate organizations to inform law enforcement officers at the state, county and municipal levels about the rights of disabled motorists under this National Handicapped Reciprocity Program.

AAMVA will also work with the American Automobile Association and other auto clubs, the national organizations representing the disabled, and the general media to get the word out to handicapped motorists about the reciprocal agreements among the states, and the fact that motor travel should now be easier and safer for them.

AAMVA wants to make it clear to these individuals that the state motor vehicle administrators and law enforcement officials are committed to the safety and mobility of all citizens of this country. We will continue to work towards this goal in all that we do. Thank you very much.

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Current Number of Handicapped Reciprocity Agreements
by States with States

Alaska	17	Louisiana	21	Ohio	12**
Alabama	48	Massachusetts	51	Oklahoma	22
Arkansas	28	Maryland	40	Oregon	47
Arizona	22	Maine	43	Pennsylvania	51
California	42	Michigan	51	Puerto Rico	21
Colorado	45	Minnesota	47	Rhode Island	18
Connecticut	31	Missouri	15	S. Carolina	22
Washington DC	18	Mississippi	42	S. Dakota	51
Delaware	44	Montana	51	Tennessee	19
Florida	46	N. Carolina	20	Texas	16
Georgia	14	N. Dakota	14	Utah	51
Hawaii	8*	Nebraska	43	Virginia	51
Iowa	7	New Hampshire	0**	Vermont	51
Idaho	8	New Jersey	15	Washington	46
Illinois	45	New Mexico	51	Wisconsin	43
Indiana	15	Nevada	11	W. Virginia	20
Kansas	25	New York	48	Wyoming	23
Kentucky	10				

Total Possible Agreements	2652
Current Agreements as of 04/28/88	1600
Future Agreements to be signed	1052

*Agreements not required. Visitors may obtain temporary permits.
**Enabling legislation recently adopted.

4/88

NATIONAL HANDICAPPED RECIPROCITY CHART

	AK	AL	AR	AZ	CA	CO	CT	DC	DE	FL	GA	HI	IA	ID	IL	IN	KS	KY	LA	MA	MD	ME	MI	MN	MO	MS	MT	NC	ND	NE	NH	NJ	NM	NV	NY	OH	OK	OR	PA	PR	RI	SC	SD	TN	TX	UT	VA	VT	WA	WI	WV	WY
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Updated: 04/28/88

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

AAMVA

An Association of State and Provincial Officials Responsible
for the Administration and Enforcement of Motor Vehicle
and Traffic Laws in the United States and Canada.

4200 Wilson Blvd., Suite 600 • Arlington, Virginia 22203 • Telephone (703) 522-4200 • FAX (703) 522-1553

Current Number of Handicapped Reciprocity Agreements
States with Provinces

Alabama	Manitoba
Arkansas	Manitoba
Arizona	Manitoba
California	Manitoba, Quebec, Saskatchewan
Colorado	Manitoba
Delaware	Manitoba
Florida	Alberta, Manitoba and Nova Scotia
Idaho	British Columbia, Newfoundland
Illinois	Alberta and Manitoba
Kansas	Manitoba
Kentucky	Manitoba
Louisiana	Alberta, Manitoba
Maryland	Manitoba
Maine	Manitoba
Michigan	Manitoba
Minnesota	Manitoba
Montana	All Provinces
New York	All Provinces
North Carolina	Alberta, Manitoba
North Dakota	Manitoba
Oklahoma	Manitoba
Oregon	Alberta, Manitoba, British Columbia, Quebec, Yukon
Pennsylvania	Manitoba
Puerto Rico	Manitoba
Rhode Island	Manitoba
South Carolina	Manitoba
Tennessee	Manitoba
Utah	All Provinces
Virginia	All Provinces
Washington	Manitoba, Newfoundland
Wisconsin	Manitoba
West Virginia	Manitoba

Total Possible Agreements	624
Current Agreements as of 04/28/88	91
Future Agreements to be signed	533

4/88

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

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and Traffic Laws in the United States and Canada.

4200 Wilson Blvd., Suite 600 • Arlington, Virginia 22203 • Telephone (703) 522-4200 • FAX (703) 522-1553

Current Number of Handicapped Reciprocity Agreements by Provinces with Provinces

Alberta	all
British Columbia	all
Manitoba	all
New Brunswick	all
Newfoundland	all
N.W. Territories	all
Nova Scotia	all
Ontario	all
Prince Edward Island	all
Quebec	all
Saskatchewan	all
Yukon	all
Total Possible Agreements	144
Current Agreements as of 04/28/88	144

All Provinces reciprocate with each other 100%

4/88

Mr. Rahall. If there are no further questions, that concludes the subcommittee's series of hearings on highway safety issues, and the subcommittee stands adjourned.

[Whereupon, at 11:41 a.m., the subcommittee was adjourned.]

ADDITIONS TO THE RECORD

STATEMENT OF

ALLEN LUND COMPANY, INC.

BEFORE THE

HOUSE COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION

MARCH 16, 1988

I am Allen Lund, President of Allen Lund Company, Inc. headquartered in La Canada, California. Our company was started as an exempt brokerage on March 1, 1976 and presently employs approximately 40 people with volume in excess of 1,500 loads per month. Allen Lund Company has offices in the locations listed below:

Atlanta, Georgia
Leesburg, Florida
Portland, Oregon
San Antonio Texas
Columbus, Georgia
San Fransisco, California
Los Angeles, California

We are Dun & Bradstreet rated 1A1. The Produce Reporter gives us their highest 4X rating. The Red Book rates us 4 star, and we have received their Business Character Award.

Deregulation has enabled us to enhance our agricultural operations. We have gradually built up our regulated business. This allows us to better serve our agricultural customers, and particularly the smaller carrier, by enabling the carrier to obtain authority and procure hauls of products to the major growing areas at much better rates.

Before 1980, the small carriers were under the strangle-hold of the few truck lines who had authority to haul regulated freight. the small operator had to deal with exorbitant trip lease fees, outrageous paperwork demands, and lack of loads to agricultural producing areas. Before deregulation, it was common for truckers to deadhead in the summer to haul produce from California and other growing areas. This nonproductive practice for the truckers we load no longer happens. We, or the carrier, can now, through our new found ability to secure regulated freight, load to the producing areas, lowering the carrier's cost and the cost of moving our agricultural products.

Our company represents carriers ranging in size from one-man owner/operators to some of the largest carriers in the nation. One of the largest benefits of deregulation is the ability of the smaller carriers to get their own authority, enabling them to respond to the ever changing market.

I believe one of the never mentioned benefits of deregulation is, while rates may have fallen, we are returning a larger percentage of the revenue to the truck actually doing the hauling. Before deregulation, the smaller operators were at the mercy of the large carriers. Trip revenues ran up to 50% of gross revenue. Slow pay and trip lease abuse were common, as carriers had limited competition. Now the carrier, working through a broker or direct with a shipper, has his destiny in his own hands. If he is mistreated, he can easily find and haul for other brokers or shippers.

Most of our carriers and shippers have worked with us for years. We pay our carriers weekly, and the many years that these carriers have been with us indicate they are not unhappy at paying us our commission. We know the carriers pay our way and, in turn, we represent them well. Our carriers depend on our prompt pay practices, and our knowledge of the industry.

We serve as the carriers sales force in the areas we serve. Most of all, we protect the carrier from unscrupulous shippers and receivers. It has been our experience that the shipping side of the freight business has many more problems than the broker or carrier sides. We use all means at our disposal to protect the carrier from shipper bankruptcy, shortages, pallet abuse, and unfair loading and unloading fees, as well as refusal to load and unload, reconsignments, and unfair deductions. I can say that most of our problems, and most of the money we lose, is because we have paid the trucker in full when he has been mistreated by the shipper. We have suffered many bankruptcies by shippers, but our carriers have always been paid in full with our company taking the loss.

On the other side of the coin, we serve as a buffer between the carrier and shipper. We serve the shipper as consultants and advisors. We protect him from cargo losses, and claims, as well as act as his claims agent. We try to screen every carrier sent to the shipper, and make sure the carrier is insured. We have always paid all claims to our shippers even though the carrier is at fault and does not have the ability to pay.

Shippers save time and money by working through a broker who knows what he is doing. We believe that we have proven this time and again in the exempt business and we are proving this in the regulated business. We know what we are doing and our shippers and carriers agree. Although many of the functions we offer are not required by law, we have found through years of experience as exempt brokers, that we have a moral obligation to our carriers and shippers to provide these services, and the market will always demand this from us.

Since deregulation, we have noticed a considerable appreciation from many of our shippers regarding the increased level of service they are now receiving. We always had to respond quickly to our customers in the exempt business. Now, our regulated customers are enjoying the same level of response. We believe that much of the freight will always be moved by large carriers dealing directly with large shippers. But we have proven the broker excels in the small movements, the unusual movement, and when shippers and carriers are out of balance. Brokers provide the occasional small shipper with rates competitive with the rates large shippers enjoy. Brokers enable the small carrier to negotiate with a shipper from a much stronger position. A good broker has much more general knowledge at his disposal than the traffic departments of many shippers and the carriers, because the broker deals with all facets of the business.

We also believe that by using normal business practices and the tools available now, a carrier and a shipper can weed out the poor broker, shipper, or carrier. We subscribe to Dun & Bradstreet, Red Book, and Blue Book ratings services, and are member of TBCA, Compunet, and many other trade associations. We do not do business with any shipper or carrier that cannot provide us with banking and performance references. We occasionally get hurt, usually by shipper credit losses, or by poor carrier performance. But by observing normal business practices, losses can be held to acceptable minimums.

By simply doing a minimum of homework, we can easily verify credit, and discover a reputation for unfair business practices. Many situations presented in criticism of brokers can be prevented by a carrier simply checking out who he is dealing with. Doing business with completely unreliable brokers or shippers without investigating them can only lead to disaster. Shippers giving loads to brokers and carriers without proper background checks can once again only give opportunities to the unscrupulous.

I feel that the only regulation that could possibly be of service to the trucking industry would be a crackdown on pay and practices of shippers. Unless they pay and perform, the industry suffers.

As previously stated, our volume is 1,500 loads per month). The majority of our losses are suffered because we have paid a carrier when a shipper has not paid or has not lived up to his obligations.

After having many years dealing in an unregulated environment, we believe that the trucking business should be completely deregulated.One of the most threatening problems our company faces is the balance due freight bill. Legislative action should be taken immediately to correct this repulsive practice. Also, bonding requirements should be modified so as not to restrict the entry of small entrepeneurs into our markets. Carriers will never get a free ride. As time passes and we further deregulate, we will all realize the value of good brokers. The only answer to the problems presented here today is to complete the job of deregulation.

Sincerely,

Allen Lund
President
ALLEN LUND COMPANY, INC.

Office of the Executive Vice President

THE
NATIONAL
INDUSTRIAL
TRANSPORTATION
LEAGUE

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(202) 842-3870

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Oklahoma City, OK 73125

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and Distribution
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Stanton P. Sender
Director of Legislative Affairs
Sears, Roebuck and Company
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BOARD OF DIRECTORS
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BOARD OF DIRECTORS
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EXECUTIVE VICE PRESIDENT
James E. Bartley
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April 19, 1988

The Honorable Glenn Anderson
Chairman
Subcommittee on Surface Transportation
Committee on Public Works and Transportation
U.S. House of Representatives
2165 Rayburn Office Building
Washington, DC 20515

Dear Chairman Anderson:

The National Industrial Transportation League respectfully offers the following comments for the subcommittee's hearing record on highway safety issues.

The League is a voluntary association of shippers, shippers' associations, boards of trade, chambers of commerce, and other entities concerned with the purchasing of freight transportation services. It is the only nationwide organization representing shippers of all sizes and commodities using all modes of transportation to move their goods in intrastate, interstate, and international commerce. Its members, directly or indirectly, are responsible for the routing of about 80 percent of the nation's commercial freight.

The League believes that the safety reforms enacted into law through the leadership of House Public Works Committee have improved highway safety. The League strongly supported enactment of these measures, and remains committed to assuring that safety remains a top priority in setting the nation's motor carrier transportation policy.

The Truck Safety Act of 1984 and the Commercial Motor Vehicle Safety Act of 1986 have made important strides in providing safeguards for employees who report unsafe operations as well as in creating the mechanisms needed to identify and remove unsafe commercial drivers from our nation's highways.

The creation and increased funding of the Motor Carrier Safety Assistance Program also has helped safety efforts by providing the states with the necessary financial resources to improve their truck and driver inspection programs. As noted in our March 16 testimony before your subcommittee, enforcement of current law appears to be key to improving highway safety. The joint study by the California Public Utility Commission and the California Highway Patrol establishes the clear link between the level of inspection activity and the accident rate.

In the private sector, the League and American Trucking Associations have undertaken a joint educational venture to improve the safety consciousness of shippers and carriers. In the past two years, the League and ATA have developed and distributed thousands of copies of an educational brochure addressing a variety of safety practices including speed limits, hours of service requirements, loading, hazardous materials transportation, and size and weight requirements. A copy of the brochure is attached for your information. This year, the League and ATA are developing a videotape on these issues.

The League and ATA have chosen an educational approach because the majority of the problem comes from an ignorance of the law, rather than a willful intent to violate it, and because of the complexities involved in trying to impose a punitive solution. By focusing on all steps in the transportation process from management offices to the loading docks, this program should enhance the safety performance of the commercial sector.

While all of these are commendable achievements, the fact of the matter is that more remains to be done. One step that Congress could take this year is to repeal the commercial zones' exemption from federal safety requirements. Today, there is no justification for allowing our congested urban areas to be subject to less strict safety requirements than those imposed on interstate carriers.

In addition, we believe that Congress should encourage the voluntary use of on-board monitoring devices to better assure the safe operation of trucks. However, the League does not believe that now is the time to make the use of this equipment mandatory. We believe that the technology for this equipment is still evolving. Until the problems with cost and with tamper protections are solved, their use should not be required by law. We would support a revisiting of this issue in a few years to see if these problems have been resolved.

In a related matter, the League would urge subcommittee's favorable action on H.R. 2697, which affects reasonable access for equipment authorized by the Surface Transportation Assistance Act for use over the designated network. In 1982, Congress promised shippers and carriers increased productivity through the use of this equipment in return for accepting an additional 5 cent per gallon increase in the federal fuel tax.

While shippers and carriers have been paying the increased tax, they have not been realizing the anticipated productivity gains because of state efforts to resist this change. Ending this controversy by fulfilling the promises made about increased efficiency would not only improve productivity, it also would reduce the number of trucks travelling the nation's highways. This, in turn, would have at least an indirect effect on highway safety.

PUBLIC CITIZEN

Buyers Up ☐ Congress Watch ☐ Critical Mass ☐ Health Research Group ☐ Litigation Group ☐ Tax Group

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May 20, 1988

Honorable Glenn Anderson, Chairman
Committee on Public Works
House of Representatives
Washington, D.C. 20515

Dear Congressman Anderson:

We are sorry that we were not able to testify at your recent hearings on amending the maximum speed limit provisions of the Federal-Aid Highway Act.

We are writing this letter for the hearing record to urge the Committee to adopt four provisions to the current statute which we believe would strengthen the speed limit law.

First, as predicted, the increase in death and injuries in the 65 mph highways reinforces our primary recommendation that this 1987 amendment be revoked. We urge the Committee to further investigate the extent of harm that is occurring and to amend the law.

Second, as you are aware, the section of the Act setting the speed limit at 55 mph for most highways contains enforcement provisions that require the states to monitor their highways and to certify to the Department of Transportation that no more than 50% of the vehicles on their highways are exceeding the speed limit. The recent amendment to the Federal-Aid Highway Act that permits the states to increase the speed limit to 65 mph on rural highways surprisingly does not include an enforcement provision similar to that found for the 55 mph highway. Particularly in light of the recent evidence of the increased highway fatalities due to the amendment, we believe that it is critical that the enforcement mechanisms be extended to the provisions authorizing a speed limit of 65 on certain highways if this higher speed limit remains in the law.

Third, under the current law, if a state does not comply with the 50% requirement on 55 mph roads, as a penalty DOT must reduce the state's apportionment of highway funds by "up to 10%." However, it could be argued that the Secretary could impose a penalty as low as 1%, as DOT did in the case of Arizona several years ago. We believe that Congress should set a minimum penalty of 10% of highway funds, in order for the enforcement provision to work.

2000 P St. NW ☐ Washington, DC 20036 ☐ (202) 293-9142

Finally, the current statute provides that a state may recover the penalty if it returns to compliance with the enforcement provision, by demonstrating in a subsequent year that less than 50% of its cars were exceeding the 55 mph speed limit. DOT under the Reagan Administration has used this provision to thwart the entire enforcement scheme of the statute. Thus, although there were 14 cases of noncompliance between 1982 and 1986, in every case but one (Arizona in 1984), it has simply delayed its administrative proceedings until the state has come back into compliance. In the case of Arizona, it could not use this tactic because Arizona has been out of compliance for three consecutive years.

Public Citizen and the Center for Auto Safety have brought a lawsuit challenging this practice (Center for Auto Safety v. Burnley, No. 86-3226 (D.D.C.)), but this is also a problem that Congress could correct with specific legislation making it clear that DOT must make a final determination as to whether a state has complied with the enforcement provisions of the statute during the 12 months following the close of the fiscal year at issue. This would allow the imposition of the penalty to occur during the next fiscal year, as currently provided in the statute.

Please feel free to call us if you have any questions. We would also be happy to assist your staff in drafting specific language to address these concerns.

Sincerely yours,

Joan Claybrook

Joan Claybrook

William B. Schultz

William B. Schultz

TESTIMONY OF JOHN SHARON FOR THE SUBCOMMITTEE ON SURFACE TRANSPORTATION OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

March 23, 1988

My name is John Sharon and I am submitting testimony regarding the legislation that would make uniform handicapped parking laws across the United States. I am 24 years old and have had a rare disability -- Arthrogryposis Multiplex -- since birth. I walk with the use of leg braces but I do not require any special equipment in order to operate a motor vehicle.

I recently moved back to the Washington, DC, area -- where I was born and raised -- after living in the state of Colorado for four months. Shortly after my return to this area in January, I received three parking tickets for illegally parking in spaces reserved for drivers with disabilities; my Colorado handicapped permit is valid in neither Virginia nor Maryland, where the alleged violations took place. So I did a bit of investigating and discovered that mine was not a unique situation, that thousands of other people with disabilities have encountered the wide discrepancy in handicapped parking laws throughout the nation. True, some states have reciprocal agreements with other states, but this appears to be the exception rather than the rule, and so I fully support Congress' efforts to remedy the situation as best it can.

The following is a point-by-point summary of my position on this issue:

> **Congress needs to recognize the high number of drivers and passengers with disabilities who travel from state to state, and in doing so make the handicapped parking laws of one state valid and applicable to those of another.

**The major problem at this point lies in the fact that each state has its own identification procedures for a handicapped parking permit, so the international symbol of access should be utilized to facilitate identification.

But, this symbol should **not be required for all license plates for every state. Rather, drivers and passengers should have a choice between a removable placard in the windshield or a symbol on the license plate. (The reasoning here is simple: if a disabled driver needs to park in an unsafe area, he or she may not want to broadcast the disability and thus become a more vulnerable target for crime.)

The law should mandate that **all handicapped parking laws for one state be valid for another, not just the exclusive priviledge of parking in a handicapped space. (As it is now, most states allow a car with a handicapped permit to park in a metered space without paying the meter.)

In closing, I want to applaud Congress for taking this issue so seriously. We as a society have made great strides in recognizing the needs of those with disabilities, and I am encouraged to see that these efforts continue thanks to the lawmakers of our nation. No greater achievement could be made than to fully integrate disabled and able-bodied people not only in society, but also in our attitudes towards each other. The proposed legislation is a commendable step in that direction.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
CHAUFFEURS • WAREHOUSEMEN & HELPERS
OF AMERICA
25 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001

April 11, 1988

The Honorable Glenn Anderson
Chairman, Subcommittee on Surface Transportation
House Committee on Public Works
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of the thousands of Teamster members employed in the various facets of the motor carrier industry, I would like to submit this letter for the hearing record on Truck Safety Oversight.

During your hearing, the issue of random drug testing was discussed by the committee and your witnesses. We agree with the testimony of Thomas J. Donahue of the American Trucking Association that, because of the nature of the trucking industry, a mandated, carrier-based random drug testing program would be highly discriminatory. This program would also be, in our view, a serious infringement on our members' right to privacy.

While we agree with this initial view of random drug testing, we must take exception with Mr. Donahue's support for random roadside drug testing programs. Beyond the significant constitutional challenges to such a government conducted search and seizure program, this type of program would present huge practical and logistical problems. Major practical questions regarding such a program must be asked by Congress and the industry: How is such a program to be conducted and where (i.e. truck stops, roadside rests, safety inspections, weigh scales)? What happens to the driver and his truck at the time of a drug screen? Are they put out of service pending the return of results of these tests? If so, will the driver be compensated for time lost? What happens to the freight? Or, is a driver permitted to continue to operate after a drug screen? If this is the case, what is the value of a random screen?

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MAY 9 1988

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

As you know, the International Brotherhood of Teamsters has supported efforts to remove drug or alcohol impaired individuals from behind the wheels of our nation's trucks. During collective bargaining, we have agreed to a comprehensive and carefully constructed drug testing program which acts as a deterrent to drug use but protects the driver from harassment or infringement on his or her privacy. This type of program should become the standard for all in the industry.

We appreciate the opportunity to state our views of random drug testing. The International Brotherhood of Teamsters stands ready to work with you and with the members of your committee to ensure that our nation's highways are safe.

Sincerely,

David A. Sweeney
Director
Department of Legislation

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